The Cochin Ezhuthachan Bill.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Mr. President, I move that the further consideration of the Ezhuthachan Bill as revised by the Drafting Committee * be taken up. I wish only to state, Sir, that when I presented the Report of the Select Committee on this Bill in this House last Vrischigam and moved for its consideration some of the Hon'ble Members who had made a critical study of the Bill and the Report found certain defects in the drafting and suggested the idea of a small Committee being appointed to redraft some of the sections in Chapters III and IV dealing with inheritance and succession. That proposal was approved by this House and a small Drafting Committee was appointed with the Hon'ble the Deputy President as its Chairman. That Committee has submitted its report after redrafting some of the sections which only amplify the meaning of some of the provisions contained in Chapters III and IV, i. e. with regard to inheritance, and succession. There is no need therefore for any explanation of the redrafted sections. The central idea regarding these two Chapters, viz., III and IV, is that the womenfolk of the Community be given some share in the self acquired property of the father and even ancestral property in his hands which the women folk in the family —the widow and the daughter—do not now enjoy. In other words they are also be allowed to share in the property of the family. That is the object of the sections contained in Chapters III and IV. I submit therefore that the House may be pleased to consider this Bill as re-drafted. I find no amendment to any one of the sections of the Bill and this, Sir, I take to mean that the Hon'ble Members of this House are completely satisfied with every one of the provisions contained in the re drafted Bill and that they are agreeable to have the Bill passed.

Mr. A. Eachara Menon *(Chittur Rural).*—None of the provisions.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—I was not prepared for that. The fact that no amendments have been tabled by Hon'ble Members may be the result of their considered opposition to everyone of the sections of the Bill is something which I cannot easily understand and which I did not expect from an Hon'ble Member of this House like the Hon'ble Member for Chittur Rural, one of the oldest Members of this

---

* Vide Appendix.

LIBRARY ARCHIVES Kerala Legislative Assembly

House. I therefore submit, Sir, that I still adhere to my original conviction regarding the non-tabling of any amendment that the Hon'ble Members are all satisfied with the provisions of this Bill which after all is nothing but a very modest thing that is asked for on behalf of the womenfolk who are almost helpless now. That is the inference that I take from the non-tabling of any amendment to any one of the sections. I therefore submit, Sir, that this Bill may be considered and passed by the House.

Mr. A. Eachara Menon *(Chittur Rural).*—Sir, I have to oppose this Bill, because I have been advised by people belonging to that community. No amendment was proposed by me because from the memorandum submitted to this House by more than 400 people it will be seen that they totally disagree with the sentiments expressed by the mover of this Bill. If this Bill proposed here were to be passed into law it will create a lot of trouble inasmuch as the Ezhuthassan community of Cochin have marriages with those residing in British parts. So long as they have no such Act these people will find it very difficult to act according to their wishes. For these reasons I strongly oppose this Bill.

Mr. A. Narayana Menon *(Vyttila).*—Sir, I am only concerned with the legal difficulties that will be created if we pass this Bill into law. There are some fundamental conceptions of law which, I think, if this Bill is passed into law, will be mutilated. I shall be a little more plain. Now section 12 says "Subject to the modifications hereinafter mentioned the same rules of Mithakshara Law as are applicable to Tamil Brahmins resident within the State shall apply to Ezhuthassans in respect of property, inheritance, succession and survivorship". So subject to some exceptions the mover of the Bill wants the Mithakshara Law as applicable to Tamil Brahmins, to be made applicable to the Ezhuthassans in the State. Now one of the principal conceptions of Mithakshara Law is that only males have a right in the family.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—I was unfortunately misquoted. My idea was not to introduce the whole of the Mithakshara Law into this.

Mr. A. Narayana Menon *(Vyttila).*—I believe the mover himself will find the absurdity if we pass this into law. According to the Mithakshara Law only the father, his son, grandson and great-grandson are members of the Mithakshara family. The daughters and the widow have no right to the property. They

LIBRARY ARCHIVES Kerala Legislative Assembly

have only a right for maintenance. In Mithakshara there is only joint tenancy. We should not confuse joint tenancies with tenancies in common.

Mr. P. Govinda Menon *(Adur)*.—What is the difference?

Mr. A. Narayana Menon *(Vyttila)*.—The difference is this. With regard to joint tenancy we shall take as illustration an ordinary Hindu family where the male members get right by birth. For tenancies in common we shall take the Christians as an example. There a member cannot get a right by birth but only by the death of the person who is the owner of the property. So long as the Christian father is alive he alone can dispose of the property whether earned by him or earned by an ancestor. It goes in definite shares to his sons only after the death of the father. We should not confuse one with another. With that main difference between the two tenancies before us let us proceed. Now what is it that is said. Section 18 says: "Where a partition takes place of the ancestral property of an Ezhuthassan during his life time, any of his daughters then alive shall be entitled to claim and shall be given a share equal to one half of the share to which he is entitled. If she claims such a share, she shall be bound to bring into hotchpot any sum of money or any property which she has received as Stridhanam under or evidenced by a registered document". Section 19 is an important section. It says: "No Ezhuthassan female shall be entitled suo moto to claim a partition of the ancestral property of her father or institute a suit for partition of such property during his life time". It is not stated anywhere in the Bill that an Ezhuthassan's son cannot sue for partition during the father's life time. So far as the females are concerned they are not considered even by the Bill to be members of the co-parceners. By the Bill on the death of the father we bring into the co-parcenary, members who were not there till then; we here introduce tenancy in common into a system which was working as joint tenancy, till then. Here we create an absurd position. This is a novel conception of law fraught with dangerous consequences. Let us have either tenancies in common or joint tenancies. Now, if this Bill is passed into law, we will be bringing into an existing system which is worked as joint tenancy a system quite incompatible with that, quite and antagonistic to it. That is the vital defect of this Bill. Now I ask you another question. Till the death of the father who were the people enjoying his property? Only himself and his sons. Of course, the mother is entitled to maintenance but only to it. She has no right to a share in the property. But, now once the death of the father has taken place you introduce all sorts of claimants to the property. That

LIBRARY ARCHIVES Kerala Legislative Assembly

will be creating a system of law which is not obtained anywhere in the world. I shall give you an illustration for this. Suppose there are three or four members in a co-parcenary. On the death of one of the members the others get the right to the property of the deceased by survivorship, if he has not bequeathed the property by any will. By the Bill, we are giving the right of survivorship to people who had no place at all in the co-parcenary that was living harmoniously till then. If we accept the idea contained in the Bill as contained in the provision relating to survivorship we shall be going directly against the fundamental principles of Hindu Law contained in the Mithakshara system.

Both these innovations that are sought to be introduced are obnoxious; they are not obtained anywhere else. They are opposed to ordinary fundamental conceptions of law. I hope that I have made clear to this House, why this Bill should not be passed into Law. I oppose this Bill only on legal principles.

Mr. K. Ayyappan *(Ezhuvas South).*—What is it?

Mr. A. Narayana Menon (*Vyttila*).—I have already explained it.

Mr. K. Ayyappan *(Ezhuvas South).*—Can we not change the law?

Mr. A. Narayana Menon *(Vyttila).*—The Law cannot be changed in such a radical manner. It can only be changed without going against the fundamental principles of law. For the reasons given I am not for supporting the Bill.

* **Mr. A. Sivarama Menon** *(Mulakunnathukavu).*—Mr. President, Sir, this Bill comes now after examination by a Select Committee consisting solely of lawyers, both officials and non-officials. A legal difficulty has been raised by the Hon'ble Member for Vyttila and as far as I was able to follow him I understood that if this Bill is passed by us as it is, there is the danger of the whole thing being declared illegal by Courts of Law. Unless I am prepared to understand the observations.....

Mr. A. Narayana Menon *(Vyttila).*—I did not say Courts of law.

Mr. A. Sivarama Menon *(Mulakunnathukavu).*—I am glad. He said he feels somehow a legal difficulty not clearly

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

defined but anyhow the difficulty arising out of the changes according to him would go against the fundamental conceptions of the Mithakshara Law. It is wellknown that the Ezhuthassan community is not governed strictly by the Mithakshara Law and that all the provisions of the Mithakshara system are not applicable to them. General principles of Mithakshara system no doubt do apply to them but added to that there are several customs that have been recognised as forming part of the Mithakshara Law that governs this community. It may be said that the Nayars who are governed by the Marumakkathayam system prior to positive legislation had also been governed by certain principles of the Mithakshara family.

A. Narayana Menon *(Vyttila).*—It is not so.

Mr. A. Sivarama Menon (*Mulakunnathukavu*).—In fact it will not be very difficult to get observations that there are certain principles of Hindu Law which are applicable to Nayars. The Law is mainly customary and that being so the Hindu law as such is applicable to their cases in toto. What was customary law has now been reduced to Statute. My point is that there is no need to feel any difficulty at all. The Select Committee has made the position very clear by pointing out that where there is no express modification the community would be governed by the provisions of Mithakshara law. I quite concede that it is possible to have differences of opinion with regard to the nature of the provisions contained but the proper way of dealing with that aspect of matter is by bringing in suitable amendments. To argue from the observation of the Chairman of the Select Committee who is a well-known lawyer of our State, to say that he felt any legal difficulty with regard to the passing of this Legislation by this House is, I submit, not taking a correct view of the situation. We are fully competent to deal with this Bill and if any great difficulty is felt by any one of us our remedy is to seek the special sanction of the President and introduce an amendment at the third reading. For my part though I am not satisfied with the share given to the womenfolk (hear hear) I never thought it necessary to introduce an amendment because in my opinion an equal share as that of a son should not be given straight away. Afterwards I should certainly provide for equal shares to women also. A similar difficulty I experienced when a similar legislation governing the Ezhuthassans was before the House. This idea I am sure will receive attention sooner or later. Beyond this one point, personally speaking, I think it is a piece of legislation which will open

LIBRARY ARCHIVES Kerala Legislative Assembly

up a new Chapter in the cause of this community. I may assure the House that if the Bill is as defective as the Hon'ble Member for Vyttila seems to think, I am certainly disappointed to see that he has not cared to send even a single amendment to send this back again to a Committee.

A. Narayana Menon (*Vyttila*).—How many times?

Mr. A. Sivarama Menon (*Mulakunnathukavu*)—Certainly it is a very unsatisfactory way of doing things. My opinion is that the Hon'ble Member for Vyttila should have cared to send amendments if he finds that the Bill is legally defective as he seems to think. That is only by the way.

I only say that this legislation has been receiving the attention of this House for a fairly long time and seeing the eager desire of the community to have some legislation for them and especially when it is brought by a member who is responsible to the community it is only fair that we support this Bill. This Bill was scrutinised solely by lawyer members and I do not think that they are likely to go wrong.

Mr. A. Narayana Menon (*Vyttila*).—I only said that the Bill was a jumble and it is a combination of both Makkathayam and Marumakkathayam systems of law.

Mr. A. Sivarama Menon (*Mulakunnathukavu*).—I do not think that there is any legal difficulty as pointed out by the Hon'ble Member and I whole-heartedly support this measure.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—Sir, the Government regret that they feel constrained to oppose this Bill. The Government are aware, as pointed out by the Hon'ble Member for Vyttila, that the Bill in spite of of its redrafting continues to be in a very unsatisfactory form and I will refer to that presently. But the main objection of the Government with regard to this Bill is not to its imperfect or unacceptable form but to the fact that to the Government's knowledge there is a very considerable section of Ezhuthassans who do not want to introduce such violent changes into their long followed law. Hon'ble Members will notice that this Bill is of a most far-reaching character so far as the rights of the Ezhuthassan community are concerned. It interferes with the right of marriage. It interferes with the age of marriage.

Mr. V. K. Krishnankutty (*Anthikad*).—Is marriage prohibited?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—If the Hon'ble Member has patience he will .....

Mr. President.—The practice of making interruptions has become common and whether it be by an official or a non-official I will not allow that hereafter.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—The Bill seeks to interfere with three important aspects of the Ezhuthassan community's rights. The first is with regard to the age of marriage. It is quite likely that with regard to the age of marriage in this century of progress there may be consensus of opinion that it would never do harm to have the age of marriage raised. The Government do not wish to say anything against that as they generally accept the idea. On this the Government is not in any way raising its objection. There are two other more important matters. They are (i) with regard to the right of the Ezhuthassans to marry more than one wife and (ii) with regard to inheritance. As is well known under the existing Mithakshara Law which is being substantially followed by the Ezhuthassans in this State the Ezhuthassan is entitled to marry as many wives as he cares.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Who has told you that?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I am submitting that from the knowledge that the Government have. I may state that under the existing law there is nothing to prevent an Ezhuthassan from having half a dozen wives if he chooses to have.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—The object of the Bill is to restrict that.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I know what the object of the law is. I say that under the existing law, which is Mithakshara Law very slightly modified, the right of Ezhuthassans to marry as many wives as they like is really vested.

It may be said by reformers that it is not good to allow even Ezhuthassans (A voice: Why even Ezhuthassans?) to have as many wives as they care to have. Nor do I want to find fault with them when they hold that view. But let us take the case of an Ezhuthassan who leads a married life with a childless wife for years together. He is well aware of the consequences of

LIBRARY ARCHIVES Kerala Legislative Assembly

dying without having a male issue. Supposing that Ezhuthassan with the best of bonafides wants to enter into a second marriage. Do you venture to say that he should not? Who are we to say so? If all the millions and millions of Hindus can indulge in that luxury of having more than one wife who are we to say that an Ezhuthassan who is in sore distress should not enter into a second marriage. I think it is very unfair. I can quite understand the position if he enters into a second marriage against natural justice or feelings of humanity. Millions and millions of Hindus all over the country are marrying at their pleasure. Nobody considers it is against civilisation, against religion, against morality, or against any of the principles of modern life. There may be various reasons mentioned in the Hindu Law, which we are not able to understand, for allowing people to adopt such a course. The Government have to consider whether there is that unanimity of opinion prevailing among the members of the community which would justify the Government bringing into force such a measure which is intended to make a serious inroad into the marital rights of the Ezhuthassan community.

Again, the denial to marry more than one wife by an Ezhuthassan will react at once on the women of that community and will act against the uplift of women. Is it fair, I ask, to introduce such a measure without giving the very best attention. The Government's position in such matters is until and unless the Government are fully convinced that there is an almost universal demand for the reform of this kind amongst the members of the community concerned and that that demand is fully consistent with considerations of justice and such other things the Government is bound to protect the community whose rights are attempted to be tampered with. The Hon'ble Member for Wadakkancheri need not be under the impression that Government are particularly hard.

Now, marriage is not the only important inroad that is intended to be created by this Bill. Let us come to the question of inheritance. In spite of the ingenuity of the learned Committee to which this Bill was sent for consideration they deplored, as is evident from the note of the Deputy President, their inability to create any order out of this lot of confusion and it is in the very nature of the Bill impossible. You are trying to jumble together, to draft together, three systems, the well known Mithakshara Law, the equally well known Marumakkathayam Law and also the equally well known Christian Law. How can you mix these three things together? The fundamental

LIBRARY ARCHIVES Kerala Legislative Assembly

principles of the three systems are very very different. While the Mithakshara Law delights in the notion of the joint family, ideas of survivorship and things like that with all the importance based upon the supremacy of the father, the Marumakkathayam system of law rejoices in its supremacy of the mother.

Dr. A. R. Menon *(Pallippuram)*.—Were you not the President of the Committee?

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—Yes.

Mithakshara Law and Marumakkathayam Law are fundamentally different in the sense that while in the one case a joint family with rights of survivorship and the vesting of properties in the males exist in the other case the rights are based on the female line. Whereas the father is supreme in the Mithakshara Law it is the mother who is supreme in the Marumakkathayam Law. That is the essential difference. When we come to the Christian Law the idea of joint family is entirely absent but there is co-tenancy in the place of the joint family. The idea of giving share to the widow is entirely unknown to the Mithakshara Law but it is prevalent in the Christian Law. That is why I said that this is a jumble of three systems.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*.—A happy one.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—A very unhappy one.

The Government are confronted with this fact, viz., here is an adventure made to the knowledge of the Government, not by any means with the universal assent of the community, to introduce in the form of a Bill the principles underlying three important systems of law which are by no means governed by the same principles. What is the Government to do? The Government have as I have already stated to be fully satisfied that the law will be to the good and the betterment of Ezhuthassans generally. The Government while examining the Bill became aware that it was impossible to introduce such a system. That will explain, Sir, why the Government, unlike in the case of another Bill recently brought and passed in this Legislative Council, are constrained to oppose this Bill even now.

Now, the Hon'ble Member for Mulakunnathukavu made an observation that Hindu Law governs Ezhuthassans. It is not Hindu Law but Hindu Law modified by custom. While I am

LIBRARY ARCHIVES Kerala Legislative Assembly

not prepared to say that no customs at all specially applicable to the Ezhuthassan Community exist I would respectfully ask the Hon'ble Member whether he is aware that there exists or has existed among the Ezhuthassan Community any custom for any period of time that would afford the status of the law. If such customs—customs which may not have the force of law and may not be universal enough—exists, even though not for the period that would promote it to the status of law, there may be justification for saying that this Bill is brought to change that custom into law. The Government can say without any hesitation to the best of their knowledge that changes intended to be introduced by this Bill are not supported by any custom however recent it may be. If that is so what does it mean. It means that although the Hindu Law substantially prevails among the Ezhuthassan community, although it has not been interfered with by any substantial custom, there is a body of people among the Ezhuthassan community who desire that their opinion of what the law ought to be must be translated into statute by the introduction of such a Bill, not that the community has been following an order of things which is the basis of the Bill—that is to say, they have not been following customs which have permitted the members of the community to seek relief by getting the Bill passed by this House, but because there may be enthusiasts in the community who think that their law is not good enough for them.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Not enthusiasts, but reformers.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Call them reformers if you like. Now the trouble, Sir, is if this spirit of enthusiasm or this spirit of reformation without any check is allowed to run riot it would often lead to disaster. But the disaster may not be to the reformer. He may have nothing to lose. But there may be people who may have everything to lose and naturally they protest. If so here the fight is between the haves and havenots. In this Ezhuthassan community of 14000 there is only a handful of people who own any property. These havenots being prospective bride-grooms say "we want to take away slices from your property, whether you will give it or not". These mundane motives were very much in evidence.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—The Hon'ble Chairman refused to come to many places and I had often to protest.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. President.—Probably he might have gone to places wher here was a plythora of bride-grooms.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—That is the spirit with which you are confronted. There is a body of reformers who think that the existing law is wrong. They say "we don't want this Mithakshara law which is 2 or 3 thousand years old. We don't want the Marumakkathayam Law which is also old, nor do we want the Christian Law. That is also old. We will have a new jumble of the 3 systems".

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Are we not for new things?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Not of this type.

The Hon'ble Member has been saying for more than once that I was a delinquent, that I did not go about the country. I went to two places, one is Nemmara and the other is Tiruvillawamala.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—You came to a third place also.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Did I come to a third place? Will the Hon'ble Member kindly name the third place?

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—The Hon'ble the Law Member does not remember even that. It is Chelakkara.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*— Of the 6 or 7 places visited by the Committee I went only to 3 places. What happened was this. First I went to Nemmara. There was not one soul to speak for this Bill. Out of a good assembly of well-to-do Ezhuthassans, Vakils and others, there was not one soul to speak for this Bill. Here is a community of 14000 people. Here we are half a dozen people going about the country on Government expense. To how many places are we to go. In the first place all were against. The Hon'ble Member then said we will go to Thiruvilwamala. There what we found was all the well-to-do people said "we won't have anything to do with this Bill. We are having relations with British People. Their law is Mithakshara law. All sorts of complications will be introduced if you bring this

LIBRARY ARCHIVES Kerala Legislative Assembly

jumble here." I thought it is reasonable. Then I went to another place, Chelakara. I do not remember what happened there.

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—Pity, Pity.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—After the third trip I felt that there was nothing left in that Bill because I knew the attitude of the Government that unless there was a strong opinion in favour of the Bill the Government was not prepared to do anything. The fact that these changes are not supported by any existing custom, must put the Hon'ble Members of this House on their guard. I can quite understand the half-grown custom existing amongst the community for some time, and an Hon'ble Member attempting to translate it into law. But on one fine morning to get up and say the law governing the Ezhuthassan community for centuries shall not be the same tomorrow, I submit, is rather hard upon the House and upon the Government. Unless the Government are satisfied that this is a very good law, that it will work to the interest of the Ezhuthassan community, the Government will not be justified in keeping quiet in countenancing the measure, and passing it into law. Now just consider for a moment what the Hon'ble Member for Chittur said. If you go to Nemmara you will find that several Ezhuthassans have married with our neighbours in British India and several Ezhuthassans from British India have married from Cochin. They will raise a hue and cry about it. An Ezhuthassan marrying from British India would come and walk off with a slice of the property whereas one man from Cochin marrying from British Malabar will get nothing. Now do you balance that? We are not dealing with a big community, but with a small community, living in the northern part of the State. The thrusting of any such law upon the community they will naturally fear.

Mrs. Meenakshy N. Menon (*Nominated*).—Why can't you introduce such a change there also?

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—Unfortunately we have no power. The Ezhuthassans in those parts can do it.

Dr. A. R. Menon (*Pallippuram*).—We are very thankful to you for giving us such information, that we have no power to introduce legislation in British India. Up to now we were thinking otherwise.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).--It is these ideas that were recorded by me when I sent this report. The Government considered it to be a serious aspect of the matter. I have nothing more to add but to repeat once more that this Bill seems to introduce far-reaching changes in the existing Ezhuthassan Law, both with regard to the age of marriage, with regard to the right of marrying more than one wife and with regard to inheritance. Not one of these changes is supported by custom. Government are aware that there is a strong body of opinion opposed to this change. For these reasons and in view of the policy of the Government that unless and until the Government are satisfied that such measures are really to the good, to the betterment, of the community concerned Government are bound to oppose it. Hence I oppose the Bill.

* **Dr. A. R. Menon** (*Pallippuram*).—Sir, I feel a little responsible with regard to this Bill as I also happened to be one of the members of the Committee. It is strange that with all these objections with regard to the jumbling of the various systems of inheritance and with the faulty drafting of it this Bill was allowed to be sent back to a Committee. I was asking the Government Advocate himself why he did not raise all these points at the last session of the Council when this Bill was referred back, and thereby avoid unnecessary delay and expenditure as you are very particular about the expenditure. You could have saved both expenditure and labour by raising all these points in the last session.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—It was never discussed. The motion was that the Bill may be sent to a Committee.

Dr. A. R. Menon (*Pallippuram*).—You could have opposed that motion. You could hove pointed out to the House that this Bill is a hopeless and worthless Bill which would not be approved by the Government.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—There was no occasion.

Dr. A. R. Menon (*Pallippuram*).—There was an occasion. Now, Sir, the first of the 3 great important points raised by the Government Advocate is about the age of marriage. Does the Government, does this House, does anybody of public opinion, come forward and say that the legislature has no right

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

to protect the immature girls from being violated by men? The public or a body of this House has the right to come forward and say that you shall not marry a girl until such an age. Are you going to plead in the name of religion? Are you going to say that the religion sanctions it? Has it not taken place in British India? Was there not a law prohibiting the Brahmins from giving their daughters in marriage before a certain age? I am really surprised at the argument of the Government Advocate.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—The Government did not depend upon that as one of the objections.

Dr. A. R. Menon *(Pallippuram).*—Then you ought not to have raised it.

What is the second point? The privilege of marrying more than one woman. There are various privileges which individuals would like to enjoy, but which the Government or a well-ordered society will not allow. Take for instance prostitution.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Prostitution is not prevented by law.

Dr. A. R. Menon *(Pallippuram).*—There are, Sir, various parts of the world preventing prostitution. Are there not laws in British India?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Only against keeping brothels.

Dr. A. R. Menon *(Pallippuram).*—It comes to the same. There cannot be a brothel unless there are prostitutes. Bigamy which was enjoyed by various communities has been prevented by law. What about the Nayar community? What about the Namboodiri Kudumba Bill? What about the Muhamadans of Turkey where there is even religious sanction to marry more than one wife? Did not the Government take a part in it?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—All the Turks wanted it.

Dr. A. R. Menon *(Pallippuram).*—You took the census of all the Turks? I am surprised, Sir.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Probably there was a consensus of opinion.

LIBRARY ARCHIVES Kerala Legislative Assembly

Dr. A. R. Menon *(Pallippuram).*—There is consensus of opinion regarding this point amongst Ezhuthassans also. I assert before this House that with regard to this marriage only some old cronies, some dilapidated human beings, wanted this privilege. No young person wanted the privilege of marrying more than one woman to raise the status of the womanhood as the Government Advocate puts it. (Laughter). This is the first time I hear an argument in favour of polygamy. Sir, everywhere the tendency is towards monogamy. Why, people find it very difficult to get on even with one wife! (Laughter). Therefore, Sir, community is not opposed to this. The most competent persons to speak on these subjects of raising the status of womanhood by having more than one wife are the lady members. If they are for it, certainly I will withdraw my statement.

The third is inheritance. Is there any community in this world who has not changed their law of inheritance?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Christians did change the law. But that was well in accord with the custom. So also Nayars. It was well-known that Nayar gentlemen who earned money used to give their earnings to their wife and children. That is the difference.

Mr. K. S. Panickar *(Ezhuvas North).*—ക്രസ്ത്യൻ ബിൽ അവതരിപ്പിച്ച കാലത്തും അതിനു എതിരു ഉണ്ടായിരുന്നില്ലേ?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—എതിരില്ലാത്ത വല്ലകാര്യവുമുണ്ടോ?

Dr. A. R. Menon *(Pallippuram).*—Now, Sir, another point he has raised which may cause some misgiving in the minds of the Honourable Members of this House is that Ezhuthassan community is a small community, that a small portion is within the State, that a bigger portion is living outside and that in matters of marriage difficulties would arise. I am constrained to concede one point that the Government Advocate mentioned here that generally speaking the consensus of opinion in Nemmara is against the Bill. My only business is to reflect the opinions of these people from whom we have got evidence so that the House may come to a decision, that is all my responsibility. I am not here to plead as a lawyer to get a verdict in my favour. I confess that generally speaking the the consensus of opinion in Nemmara was not in favour of this measure. I concede as much. Even there there was a minority in favour of the Bill. It is not true to say that in toto it was

LIBRARY ARCHIVES Kerala Legislative Assembly

against the Bill. But in all other centres where we had meetings the position is reverse. There generally they are in favour of this measure with certainly a minority opposing it. This has been the position on the whole. I have not taken the trouble to find out whether those who are in favour of the Bill are poor people, and those who are against are rich people. I am not going to make such an assertion.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—I only said generally.

Dr. A. R. Menon *(Pallippuram)*.—I am not going to say even that. It is very strange that you knew all these things although you were not present at the meetings.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—I knew it from the depositions.

Dr. A. R. Menon *(Pallippuram)*.—It is rather very hard to believe that one who deliberately and purposely avoided attending meetings—on his admission he did not want to attend the meetings because he knew that this Bill was bungled, jumbled mixed and that out of it no order could be evolved—went through the deposition of these witnesses. Such a person now comes and says that he went through the deposition.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—I had to write a report.

Dr. A. R. Menon *(Pallippuram)*.—I have a serious charge against the Chairman of the Committee. There are members of the committee who are lawyers and non-lawyers. All these defects could and ought to have been pointed out. You ought to have told us that there are such defects. I can assure the House that no such information was ever given. No such suggestion was ever made.

M. P. Govinda Menon *(Adur)*.—Nor is the information correct.

Dr. A. R. Menon *(Pallippuram)*.—Whoever would have believed 40 years ago that Nayars will change their law of inheritance? You may take that I am not enthusiastic in making changes. In all such matters I have taken a mild view and if you consider my activities in this Council I have often opposed such changes. I have opposed till I was satisfied that it was necessary. It is not for you and me to come and say that it is necessary. It is the duty of the community. We have

LIBRARY ARCHIVES Kerala Legislative Assembly

gone through the various ways of finding it out and it is that information which is embodied in this report. As the Hon'ble Member for Mulakunnathukavu said I am personally against this way of differentiating man and woman. Because the law is 2000 years old it should not produce a great impression upon us. We must consider whether that law is equitable. Why should a person be penalised because of her sex? You want the woman to play with, to walk about with you, but when it comes to the question of realities where is your chivalry? This remark applies to all nations, civilised as well as uncivilised. It applies even to those who worship woman. It is for the Legislature then to interfere and set right this difference between man and woman with regard to property. Whether it be a daughter or son the feeling of the natural parents will be the same. It is also the natural law. It is the man that has brought forth these inequities. We are to respect natural laws first, and man-made laws after. If a man-made law is against natural law it is our duty to oppose it vehemently.

Sir, I trust that I have answered all the points he has raised, and I do not want to take any more of the time of the House.

The House rose for lunch at 1—10 p. m. and re-assembled at 2—30 p. m. with the Deputy President (M. R. Ry., A. Sankara Menon Avl., B. A. & B. L.) in the Chair.

Mr. P. Govinda Menon *(Adur).*—I wish to speak a few words about certain statements made by the Hon'ble Member for Vyttila and the Hon'ble Member for Law about the legal implications. I would not have interfered in this debate had it not been for the apparent effect their speeches had upon the House. The Hon'ble Member for Pallippuram in his speech apparently thought that the statements made by the Hon'ble Members opposing the Bill with regard to the legal implications of the Bill are correct. If a well-informed gentlemen like the Hon'ble Member for Pallippuram took it like that I should think that the House as a whole felt that there was something in the statement made by these learned lawyers. The Hon'ble Member for Vyttila was opposing this Bill not because he opposed the idea of introducing a reform in the law governing Ezhuthassans but because he thought that the Bill as reported by the Select Committee contained certain legal defects. I think it was up to him to have proved and demonstrated to this House that if the Bill as reported by the Select Committee be passed it will lead to anomalies, it will lead to absurdities, it will lead to difficulties.

LIBRARY ARCHIVES Kerala Legislative Assembly

Instead of saying that he simply said that the framers of the Bill confused between what he termed tenancy in common and joint tenancy. I fail to understand how that confusion entered the mind of the Hon'ble Member for Vyttila. I fail to understand how questions of tenancy in common and joint tenancy enter into the Bill. Sir, the only chapter wherein rights of daughters or women of the family are introduced is in chapter IV. He was saying that because under clause 20 of the Bill the right was given to a daughter to claim a share whenever partition took place in an Ezhuthassan's family, there was the idea of tenancy in common and joint tenancy. Does he know that under the Dayabhaga School of Hindu Law prevalent in Bengal, upon the death of a Hindu father a Co-parcenary is for the first time created between the sons? In Bengal under the Dayabhaga School of Hindu Law a son does not get any right by birth. There is no co-parcenary. There is no joint family in the legal sense of the term during the life-time of the father. On the death of the father a co-parcenary is for the first time created and the sons of the deceased father become co-parceners, so that the idea of rights which are born only on the death of the father is not foreign to the students of Hindu Law.

Mr. A. Narayana Menon (*Vyttila*).—But not in Mithakshara system.

Mr. P. Govinda Menon (*Adoor*).— That is why this amendment is introduced. It must be taken for granted that whenever a legislature introduces amending laws some innovations, some changes, some new principles, will be introduced in the law. Therefore to oppose the measure on the ground that it is introducing a new principle is simply to say that no new law should be enacted. What he ought to have demonstrated to this House is, Sir, that if the Bill is passed and if the Bill becomes law it will lead to certain absurdities, certain anomalies. I could understand the Hon'ble Member for law when he said, apparently following the arguments of the Hon'ble Member for Vyttila, that there is in this Bill a jumble of different systems of law. I could appreciate it if it were true. I can understand an argument on the ground that this amendment introduces certain measures which will be a jumble of different systems of law which by itself is inartistic and repulsive to the feelings of the Lawyer. What the Hon'ble Member for Law said is that in very many important respects this Bill is introducing changes in the Law governing

LIBRARY ARCHIVES Kerala Legislative Assembly

the Ezhuthassan community, which the Ezhuthassan community itself does not want, I could understand that argument. I can appreciate that argument. if it were true upon the materials before the Select Committee. I can also understand the argument and appreciate it when he says that there is a jumble of different systems of law. But is there as a matter of fact a jumble of different systems of law in the Bill as it is before the House? The objection of the Hon. the Law Member is that there is in this Bill a jumble of the Mithakshara Law, of the Marumakkathayam Law, and the system of law prevalent among the Christians in Cochin. I challenge the Hon'ble Member to point out one single provision in this Bill which introduces any provision of the Marumakkathayam law which was not already there among the Ezhuthassans. As far as I can understand it the only principle of Marumakkathayam law which the Ezhuthassans had adopted by long use and custom is the absence of legal marriage. The Bill, really seeks to remove that incongruous position. The Bill for the first time seeks to make the conjugal union of an Ezhuthassan male and an Ezhuthassan female a really legal marriage. Another provision that the Ezhuthassan community borrowed from the neighbouring Marumakkathayam community is the existence of free divorce. The Bill for the first time seeks to regulate that custom. The Bill also seeks to prohibit the legal right which an Ezhuthassan has at present got to marry more than one wife. Therefore I submit before this House there is not a single provision in this Bill which is introducing any principle of Marumakkathayam law for the first time among the Ezhuthassans.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—What about the rule of inheritance?

Mr. P. Govinda Menon *(Adoor).*—Thus what the Bill seeks to provide is to regulate and restrict in certain respects the rules of Marumakkathayam law which the Ezhuthassan community had adopted. The Mithakshara law is there. It is stated in the Bill that it is the Mithakshara law that governs the Ezhuthassan community.

The Government Advocate interrupted 'inheritance'. If the learned Government Advocate is of opinion that the rule is borrowed from the Marumakkathayam law then there is no room for saying that Christian law is introduced.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Widow's right.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. P. Govinda Menon *(Adoor).*—The right given to the daughter to share in the property of a deceased Ezhuthassan is not at all a right which is given by the Marumakkathayam law. Therefore he must either say that in the Mithakshara system of law some principles of christian law are going to be introduced or grafted or he must say that for the first time right is given to a woman which is known only to the Marumakkathayam law. The only thing is this. There is a community which is governed by the Mithakshara law. In certain respects it follows the Marumakkathayam law also. That is sought to be controlled and regulated by this measure. Over and above that the daughter for the first time is given a right in the family. It is no use to say that there is a jumble or there is an unhappy mixing of several systems of law. It is for us to see what it is that is sought to be done by this Bill. First of all there is the restriction as to the age of marriage. The Hon'ble Member for law referred to it, and then gave it up, because he himself knows that restricting the age of marriage of females at 14 is not a new thing which is repugnant either to the feelings or the custom of the community. Even in the east coast where the Tamil Brahmins who are compelled by religion to have their girls married before puberty reside, even in that land where the people are governed by the Mithakshara law, legislation has been introduced restricting the minimum age of marriage. And the Hon'ble representative of the Cochin Government to come forward and say that what has been done for people governed by the Mithakshara law on the east coast is repugnant to the people governed by the very same law residing in Cochin is something which I cannot understand. I don't think there is any force in this argument.

Then he next said "polygamy is sought to be restricted by that Bill and this House has no right to restrict polygamy". It may be that there is no statute in the State prohibiting an Ezhuthassan male from marrying more than one female. But is there a custom having the validity and force of law enabling the Ezhuthassan to marry more than one woman? It may be that legally he is competent. Conceding as we do that Ezhuthassans are governed by Mithakshara law it may be legally competent for an Ezhuthassan to marry more than one wife, but the evidence before the Select Committee was that there is no such custom at present among the Ezhuthassans under which they are marrying as a matter of fact more than one wife.

Mr. Thomas Manjuran *(Government Advocate and Law Officer.)*—Why do you want a custom when a law is existing?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. P. Govinda Menon (*Adoor*).— The Hon'ble Member for Government was trying to show that unless there was a unanimous desire on the part of the community no custom should be changed. As a matter of fact I could come across only one instance where an Ezhuthassan was indulging in the luxury of a second wife. There also the witness was not sure whether it was a wife or merely a mistress; so that the material before the committee is that the Ezhuthassans as a matter of custom, were only marrying one wife. This Bill simply seeks to codify the custom of the community in this matter. Public opinion among the Ezhuthassans will not tolerate polygamy. This Bill simply respects that public opinion and prohibits polygamy. Is it too much to say that what is the custom in the community should be given statutory recognition by this House? I think it is too late in the day to come and contend that it is not right to take away the right of an Ezhuthassan male to marry a second time. They are not indulging in that practice now and therefore there is nothing wrong or repugnant to any theory of legislation in this House now passing a measure under which an Ezhuthassan is prohibited from marrying a second time. The Hon'ble Member for Law was waxing eloquent on the point that it is wrong, that it is a sin, to take from the Ezhuthassan males the right to enjoy a second wife. If an Ezhuthassan male wants to have a second marriage who are we a handful of people here to take away that right from him, asked the Hon'ble Member. If a Christian wants to have a second marriage what is he doing now? Let the Ezhuthassans also do it. (Laughter). Why should the Hon'ble Member for Law think that what is wrong for the Christian community is right for the Ezhuthassan community. Is it because you want them to continue in the same state of anarchy so far as law is concerned in that particular respect?

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—Is there anarchy?

Mr. P. Govinda Menon (*Adoor*).— Yes, of course, there being nothing to govern them except custom.

The third change that is sought to be introduced in this community by this Bill is a little important and the objection to that measure, if there are really materials to substantiate that objection, I can understand. For the first time the Bill seeks to give some right of property to the females of the Ezhuthassan community. Now there was a volume of opinion

LIBRARY ARCHIVES Kerala Legislative Assembly

before the Committee that the daughters should be given full rights, that is, rights equal to that of the sons. I myself had the privilege of writing a dissenting minute advocating full rights, but seeing that something is better than nothing, I don't want to move any amendment in the matter. Now let us see what is this great change that is sought to be introduced in the law as it exists at present. Hon'ble Members may take it from me that at present there are no decisions of our Chief Court, no enactment, which lay down, what is the law which governs Ezhuthassans, but being Hindus we say or we take it that they are governed by Mithakshara law. Therefore at present the rule is that only the sons are entitled to a share in the property, ancestral or self-acquired, of an Ezhuthassan male. What the bill says is only this. In clause 12 of the Bill it is said:

"Subject to the modifications hereinafter mentioned the same rules of Mithakshara law as are applicable to Tamil Brahmins, resident within the State, shall apply to Ezhuthassans in respect of property, inheritance, succession and survivorship."

So clause 12 makes a declaration that Ezhuthassans are normally governed by the Mithakshara law. That declaration is subject to the modification which follows. What is that modification? The modification is chiefly contained in Clauses 18 and 19. Clause 18 says:—

"Where a partition taks place of the ancestral property of an Ezhuthassan during his life time any of his daughters then alive shall be entitled to claim and shall be given a share equal to one-half of the share to which he is entitled. If she claims such a share she shall be bound to bring into hotchpot any sum of money or any property which she has received as Sthreedhanam under or evidenced by a registered document."

Sir, the evidence before the Committee is that as a rule, as a practice, whenever daughters are given in marriage some Sthreedhanam is given by the father to the daughters. Now what this clause says is that whenever during the lifetime of an Ezhuthassan partition takes place in the family—the daughter is not given the right to claim partition—a share equal to half to which the father is entitled shall be given to the daughter and in reckoning the share the money or the Sthreedhanam given to the female shall also be taken into consideration. In many cases, from what knowledge I have about the Ezhuthassan community, I may say the daughther may not get anything, because the Ezhuthassans are, as a rule, very poor. Rs. 300 or Rs. 500 worth of property or things or ornaments are given to the daughters at the time of marriage. If a partition

LIBRARY ARCHIVES Kerala Legislative Assembly

takes place and if the daughter is given only half the share of the son or father the share which generally an Ezhuthassan's married daughter will get will be meagre. Is this really a revolutionary innovation that is sought to be introduced in the law? I do not think that the Ezhuthassans in this land are so bad or so perverse or so devoid of feelings of love and affection towards their daughters that they will rise in revolt against any such provision being introduced in this Bill. Then in clause 19 it is said:

"No Ezhuthassan female shall be entitled *suo motto* to claim a partition of the ancestral property of her father or institute a suit for partition of such property during his life time,"so that if the father wants really to see that the ancestral property remains undivided, if he does not want to disintegrate the ancestral property, he can refuse to have a partition and the daughter is disqualified to claim for a partition and disintegrate the ancestral property. Then clause 20 follows which governs partition after the death of the father to which the Hon'ble Member for Vyttila took so much objection. This is what it says:—

"On the death of an Ezhuthassan his daughters then alive shall be entitled to claim and compel a partition of his ancestral property and shall each be entitled to a share equal to one half of that of a son. Where a daughter claims to be given such a share, she shall bring into hotchpot any money or property which she has received as Sthreedhanam under or evidenced by a registered document."

So that after the death of the father a partition can be demanded by the daughter and the daughter will get a share equal to half of that of the son. It is perhaps this provision to which he referred when the Hon'ble Member for Law said that principles of Marumakkathayam law are introduced. I could have understood him if he had said that principles of the Christian Succession Act are introduced. But a principle is not exclusively that of Christian law because it gives right of partition to a daughter. And merely because it is a principle of Christian law it need not be repulsive also. The question is whether this is in any way incongruous to the customs and the practices obtaining in the community now. It may be that if the community as a whole does not want this innovation we may not be justified in introducing such a measure. But what is it that the Government Advocate himself has said in this report? This is what the Government Advocate says:

"In pursuance of resolutions passed at meetings of the Committee the Bill was recast as appended hereto. Two of the members of the Committee,

LIBRARY ARCHIVES Kerala Legislative Assembly

Mrs. Meenakshi N. Menon and Mr. P. Govinda Menon, have submitted dissenting minutes which are also herewith appended. The Chairman while generally agreeing with the provisions contained in Chapters II of the Bill as redrafted regrets his inability to endorse the provisions contained in Chapters III, IV and V. While no doubt there appears to exist in the Ezhuthassan community a large volume of opinion manifested mainly by the educated members thereof in favour of those provisions, the Chairman had occasion to notice that a good majority of the propertied classes in the community had serious objections to introducing any substantial departures from long-standing practice."

I may at-once state for the information of this House that even though in Nemmara people came before the Select Committee saying that they don't want the Bill, whenever they were subjected to further examination they conceded almost every principle of the Bill. They come to the hall and the question is put to them. "Do you want a Bill for your community? No. Do you want an Ezhuthassan male to have more than one wife? No. Do you think that Legislation will be desirable to prohibit polygamy? It will be. Do you think that the minimum age of marriage should be restricted? It is better that it is restricted. Do you think that Ezhuthassan's daughters also may be given some right in the property? We have no objection."

If that evidence is evidence against the Bill certainly there is evidence against the Bill. These people, conservative as they are, thinking that something revolutionary and fundamentally wrong is going to be introduced by this Bill, like a bullock seeing a red rag, begin by saying "We don't want this Bill." Sir, it was brought out in evidence that the Ezhuthassan Mahajana Sabha which is the only accredited organisation of Ezhuthassans, passed a resolution in two or three consecutive annual gatherings requesting Mr. P. Kumaran Ezhuthassan to move a Bill in the Legislative Council on the lines in which he has introduced the Bill. So that the enlightened opinion among them wanted this Bill. All the educated members of the Community who gave evidence before the Committee as the Learned Government Advocate himself testifies, wanted a change in the law as proposed in the Bill. Then who are those who apparently oppose it? Conservatives, Die-hards, who will oppose any measure whenever it is introduced, whatever be the nature of the measure. Even when the Christian Bill was introduced among the enlightened Christians of the State there was opposition to that Bill. I am told that even ladies opposed the introduction of the measure, not less than 25 as my Hon'ble friend the Member for South Ezhuvas informs me.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—There are a lakh and a half.

Mr. P. Govinda Menon *(Adur).*—More than 27 ladies from among the poor and uneducated community of Ezhuthassans gave evidence that they want the Bill. And the number of Ezhuthassan ladies in our State is only about 9000. Therefore opposition itself is not a test. The test is who are the persons who opposed the Bill. The fact that uneducated people, people who are against any change irrespective of the nature, whenever be it introduced, are opposed to the Bill is not a fact which would entitle the Government to come forward and oppose the Bill. Does this Government exist only to support these people? Does the Government think that it is their duty to represent these people only? After all how did they become people who are propertied? Because of the present law. They want to maintain and continue the law which made them rich. Also I do not think it is correct to say that all people who are propertied opposed the Bill. There were rich people, respectable people, people who are paying large revenues to the State, who came forward and supported the Bill. Not only that, the sons of such people, presumptive heirs, people who would get the benefit of the existing law if this Bill is not passed came forward and gave evidence before the Committee that they wanted a change, that they wanted their sisters also to share with them. If, therefore, a few orthodox people, a few persons who are opposed to the idea of legislation, but not to the principles involved in that legislation, opposed this Bill, is that any reason for the Government to come forward and oppose the same? Sir, I was a member who attended every meeting of the Select Committee. I was struck by the enthusiasm with which witnesses after witnessess, with which women after women, with which propertied man after propertied man, came and gave evidence before the Select Committee, came and told us that they wanted this measure. I admit there are some people who oppose it. But they will be against legislation whenever it is brought forward. Has there not been legislation in the different legislatures in British India, Central as well as provincial, making changes and inroads, sometimes fundamentally revolutionary, into the existing Mithakshara law? Take the case of the recent Desamukku Act passed in the Central Legislative Assembly in Delhi. That Act introduced fundamentally revolutionary changes in the Hindu Law. There have been legislations which varied the Hindu law, as it was administered by the Smrithies, by commentaries and by Acts in British India. Do

LIBRARY ARCHIVES Kerala Legislative Assembly

you think, Sir, that opposition was not there in all those cases? Do you think that the Legislatures passed those enactments only when there was a unanimity of voice behind the Bill? Do you think that there was not one single conservative who did not raise his voice or protest, when those Bills were passed? Was there not a hue and cry in the name of religion, in the name of society, in the name of morality, when the Sarda Act was passed? Will there not be such oppositions whenever a measure, however good it is, is passed by the Legislature? That is the point to be considered. So long as the legislatures as democratic bodies sit to make laws, there will be these oppositions. But there will not be this opposition when European Judges not conversant with the law of the land are making violent, revolutionary, absurd changes in the law, because these people cannot make any denounciation of the changes introduced by Judges in the law of the land. Do you think the law of the land to day is what it was thousand years ago? How did it evolve? Was it evolved because there was unanimity of opinion, because of the people comprising any community met together and decided that they must have a change? Certianly not. That change came not merely by force of opinion, not merely by commentaries like the Mitakshara but it was introduced by the Judges also. After all what are these commentaries which introduced several changes in the Hindu Law? They were really reforms introduced by learned Lawyers, by men of community who, like the educated men who gave evidence before the Select Committee, wanted changes in the law.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—By the learned sages of old.

Mr. P. Govinda Menon *(Adur).*—Yes. They were written by the learned men, people who were educated, who knew the requirements of the community, who knew what was best to their community. Vijananeswara, the author of the Mitakshara was not a sage, but a learned man. My submission, therefore, is, whenever a change is introduced in the law you must not listen to the voice of the unlettered, of the uneducated, of the barbarous conservatives, but to the voice of the learned men, of the educated men, of the men who know what they want, and what the community wants, so that I would say the opinion of one educated member of the Ezhuthassan community is worth the opinion of a 100 die-hards of the community. Take the number of die-hards who opposed the Bill. Take the number of educated men who are B. L.'s and who are responsible Government servants who came and

LIBRARY ARCHIVES Kerala Legislative Assembly

supported the Bill. Respectable men men who have a position in the community, men who have a stake in the country, men who love their community, have come forward and given evidence before the Select Committee that they wanted this legislation.

Again what is judge-made law, Sir. Is it the opinion of an illiterate man? Judge-made law is as effective, sometimes is as revolutionary, sometimes is as fundamentally revolutionary, as any law made by any legislature. Therefore it is foolish on the part of the Government to take their stand on the opinion of die-hards and only on the opinion of unlettered die-hards. I do not say that the Government should not protect the rights of the minorities. But because there are a few persons who out of self-interest, who out of ignorance and conservatism say that this legislation is not wanted by them, the Government should not simply follow them. That is not the way that an enlightened Government must do. The Government must analyse their views and see whether they are the views of the Community. If they will pass any legislation only if there is cent per cent support for any measure, it is better that this Legislative Council is abolished. No Legislation could be passed. No enactment could be made. No further measure could be placed on the Statute book. In these things we should be guided only by the majorities, and also by enlightened opinion.

Now, Sir, the Hon'ble Member for Vyttila was saying that because it introduces certain changes in the law, therefore this House should not support this legislation. I remember the ardour, the fervour, the elequence with which that Hon'ble Member supported me when I had the privilege to introduce the Nayar Bill in this House. Sir, that Bill introduces fundamental changes in the law of Nayar community. Not only that Bill, but also the existing Nayar Act made fundamental revolutionary inroads in the customs of the Nayar community as it existed then. Do you know, Sir, how many Nayars were there in 1095 who enjoyed the luxury of 2, 3, 4 or even 5 wives? I myself know several persons who were enjoying the luxury at that time. But half a dozen enlightened people sat together and decided that the Nayar community will not tolerate it any longer. Half a dozen enlightened people sat together and decided that there should be some changes in the law of the Nayar community. There were protests. There was opposition. Those of us who have read the voluminous report of

LIBRARY ARCHIVES Kerala Legislative Assembly

the Nayar Act Committee appointed in 1095 under the distinguished presidentship of the late Mr. T. S. Narayana Ayyar, know that there were very many people who were opposed to any legislation whatever. They thought that it was making very revolutionary changes. If such a legislation could be possible then, if this House could later in 1113 pass another enactment making more fundamental changes, is it not up to the Government to support now this modest measure introducing very small changes among the Ezhuthassan community governed by the Mithakshara law? The Government, for some reason, now thinks fit to lend their ears to half a dozen reactionaries in the Ezhuthassan community and to oppose the Bill. It is not the attitude which an enlightened Government should take in the matter. I appeal to this House—I know the Government is not going to change—to see that such a modest measure is passed in this House. The changes introduced by this Bill are not absurd at all, as the Hon'ble Member for Vyttila would have it. They are not going to make any fundamental or revolutionary changes in the customs that exist among the community at present. The one change is that the poor women of the community are for the first time given under the law a right to share in the property of their fathers, a share equal to half of their brothers. If this House thinks that it may not lend its support to such a modest measure, if this House is so reactionary as to oppose even such a modest innovation demanded by all the educated members of the community, and also by a good fraction of the so-called propertied men in the community, it will be earning a bad name for this House. Even in British India where for ages the people had been governed by the Mithakshara law, time after time, inroads have been made on the customary law, by Judges and by Legislatures, the latest example being the Desmukh Act. Therefore I appeal to this House to support the Hon'ble Member for Wadakkancheri is achieving for his community, which has been its long-felt desire, to have a measure defining, regulating, and laying down what should be the law governing them.

* മിസ്റ്റർ കെ. അയ്യപ്പൻ (*Ezhuvas South*).— ഈഴവസമുദായത്തിൽ ഇതുപോലെയുള്ള ഒരു നിയമനിർമാണത്തിനുവേണ്ടി ഞാൻ ശ്രമിച്ചപ്പോൾ ഉണ്ടായമാതിരി പ്രതിബന്ധങ്ങൾ തന്നെയാണ് എന്റെ സ്നേഹിതൻ അദ്ദേഹത്തിന്റെ സമുദായത്തിനു ഒരു നിയമനിർമാണം ഉണ്ടാക്കുവാൻ ശ്രമിച്ചപ്പോഴും ഉണ്ടായിരിക്കുന്നത്. അതുകൊണ്ടു എ

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

ന്റെ സഹതാപം ഇതോടുകൂടിത്തന്നെ പോകാതിരിക്കട്ടെ. എന്റെ വേറെ ഒരു മാന്യസ്നേഹിതൻ ഞങ്ങളുടെ സമുദായത്തിനുവേണ്ടി ഇതു പോലെയുള്ള ഒരു നിയമനിർമാണത്തിനു ശ്രമിക്കുന്നുണ്ട്, അപ്പോഴും ഈ വക വാദങ്ങൾതന്നെ ഗവർമ്മെൻറു കൊണ്ടുവരുമായിരിക്കാം. നിയമസംബന്ധമായ വിഷമങ്ങളെപ്പറ്റി പാണ്ഡിത്യമുള്ള മാന്യന്മാർ ഇവിടെ പറഞ്ഞുകഴിഞ്ഞു. പക്ഷെ, നിയമസംബന്ധമായി യാതൊന്നും പറയുന്നതിനുള്ള അർഹത എനിക്കില്ല. എനിക്കു മിതാക്ഷരവും ബാല വാചകവും ഒന്നും നിശ്ചയമില്ലാത്തതുകൊണ്ടു ഞാൻ അതിൽ പ്രവേശിക്കുന്നില്ല. സ്ത്രീകൾക്കു സ്വത്തവകാശം കൊടുക്കണോ വേണ്ടയോ എന്നുള്ള കാര്യം മാത്രമെ ആലോചിക്കുവാനുള്ളൂ. ഗവർമ്മെൻറിനു വിഷമമില്ലാത്തവിധത്തിൽ ഇങ്ങിനെയുള്ള ഒരു നിയമനിർമാണം ആ സമുദായത്തിനാവശ്യമുണ്ടോ, ആ സമുദായക്കാർ ആവശ്യപ്പെടുന്നുണ്ടോ എന്നുമാത്രമേ ആലോചിക്കുവാനുള്ളൂ. ഇതിൽ നിയമസംബന്ധമായ വിഷമങ്ങളൊന്നുമില്ലെന്നുള്ളതിനു നിയമപരിജ്ഞാനമില്ലാത്ത എനിക്കു വിശ്വസിക്കുവാൻ ഒരു പ്രധാനകാരണമുണ്ട്. ബഹുമാനപ്പെട്ട ഗവർമ്മെൻറു അഡ്വക്കേറ്റിനെപ്പോലെയും ബഹുമാനപ്പെട്ട ഡെപ്യൂട്ടി പ്രസിഡൻറിനെപ്പോലെയും ഉള്ള നിയമവിദഗ്ധന്മാരായ ആളുകൾക്രൂടി രൂപീകരിച്ചിട്ടുള്ള ഒരു ബില്ലിൽ നിയമസംബന്ധമായ വിഷമങ്ങളൊന്നുമുണ്ടായിരിക്കയില്ലെന്നു വിശ്വസിക്കുവാൻ ഞങ്ങളെപ്പോലെയുള്ള നിയമജ്ഞന്മാരല്ലാത്ത ആളുകൾക്കു പ്രയാസമില്ല.

ബഹുമാനപ്പെട്ട വയറിലമെമ്പർ സാധാരണ കച്ചേരികളിൽ കക്ഷികളെ കേൾപ്പിക്കുവാൻവേണ്ടി, നമ്മുടെ വക്കീൽ വളരെയധികം പറഞ്ഞുവെന്നു വിശ്വസിക്കുവാൻവേണ്ടിപറയുന്നതുപോലെയുള്ള ഒരു വാദം പുറപ്പെടുവിച്ചതായിട്ടേ എനിക്കു തോന്നിയുള്ളൂ. മിതാക്ഷരനിയമവും വേറെ നിയമവും ക്രൂടി ക്രൂട്ടിക്കലർത്തിയാൽ വിഷമമാകുമെന്നാണ് അദ്ദേഹം പറഞ്ഞതു്. അങ്ങിനെ ക്രൂട്ടിച്ചേർത്താലും കൊള്ളാം, ഇല്ലെങ്കിലും കൊള്ളാം ഇതിൽ ചേർക്കണ്ടമാതിരിചേർത്തിട്ടുണ്ടോ എന്നേ നോക്കുവാനുള്ളൂ. പല നിയമങ്ങളും ക്രൂട്ടിച്ചേർക്കുവാൻ പാടില്ലെന്നുള്ളതു് ഏതൊരു തത്വത്തെ അടിസ്ഥാനപ്പെടുത്തിയാണു പറയുന്നതെന്നു എനിക്കു മനസ്സിലാകുന്നില്ല. സർവ്വനിയമങ്ങളും കളയുവാനും ഇല്ലാത്ത നിയമങ്ങളും കൂടി ക്രൂട്ടിച്ചേർത്തു നിയമങ്ങളുണ്ടാക്കുവാനും ഈ നിയമസഭക്കു അധികാരമുണ്ടു്, അതു നിയമമാക്കുവാൻ മഹാരാജാവു തിരുമനസിലേക്കു പരമാധികാരവുമുണ്ടു്. സാധാരണ ഇങ്ങിനെയുള്ള വാദങ്ങൾ വയറിലമെമ്പർ മാത്രമല്ല ഗവർമ്മെൻറു അഡ്വക്കേറ്റവർകളും പലപ്പോഴും പറയാറുണ്ടു്. ഇങ്ങിനെയുള്ള വാദങ്ങൾ പറഞ്ഞു ഒരു സമുദായത്തിനാവശ്യമായ നിയമനിർമാണത്തെ എതിർക്കുന്നതു് ഒരാവശ്യവുമില്ലാത്തതാണു്. ഇവിടെ പറഞ്ഞതുപോലുള്ള യാതൊരു വിഷമങ്ങളും ഈ നിയമനിർമാണത്തിലില്ല. സമുദായത്തിൻറെ ഭൂരിപക്ഷാഭിപ്രായം ഇതിനു വേണ്ടിടത്തോളമുണ്ടോ എന്നുമാത്രമേ നോക്കുവാനുള്ളൂ. ഒരു സമുദായത്തിനു ഇങ്ങിനെയുള്ള നിയമനിർമാണം ആവശ്യമാണെന്നും അതു നി

LIBRARY ARCHIVES Kerala Legislative Assembly

യമമാക്കണമെന്നും ആ സമുദായത്തിൽപെട്ട ആളും വിശ്വാസമുള്ളവനും അഭിജ്ഞനുമായ ഒരു മാന്യൻ പറയുമ്പോൾ ഗവർമ്മെൻറു അതിനെ വളരെ കാര്യമായി വിചാരിക്കണമെന്നാണു ഞാൻ പറയുന്നതു്. ബഹുമാനപ്പെട്ട ഇതിന്റെ അവതാരകൻ എഴുത്തച്ഛനു് അദ്ദേഹത്തിന്റെ സമുദായത്തിൽനിന്നുമാത്രമല്ല, അദ്ദേഹം പ്രതിനിധീകരിക്കുന്ന നിയോജകമണ്ഡലത്തിലെ മറു സമുദായങ്ങളുടേയും അനുകൂല്യവും വേണ്ടിടത്തോളമുണ്ടെന്നു് ഒന്നിലധികംപ്രാവശ്യം തെളിയിച്ചുകഴിഞ്ഞിട്ടുണ്ടു്. ഓരോ സമുദായത്തിനും മുന്നോട്ടു പോകുവാൻവേണ്ടി അതാതു സമുദായത്തിൽപെട്ട വിദ്യാഭ്യാസമുള്ള ആളുകൾ ശ്രമിക്കുകയല്ലാതെ ഗവർമ്മെൻറു ശ്രമിക്കുന്നില്ല. ഓരോ സമുദായങ്ങളുടേയും ആവശ്യങ്ങൾക്കായി ആ സമുദായങ്ങളിലെ കാര്യവിവരമുള്ള ആളുകൾ ശ്രമിക്കുമ്പോൾ ഗവർമ്മെൻറു അവരെ സഹായിക്കുകയാണു് വേണ്ടതു്.

വ്യക്തിവിദ്വേഷം വച്ചുകൊണ്ടു എഴുത്തച്ഛൻ കൊണ്ടുവരുന്ന ബില്ലിനെ ആത്മാർത്ഥമായി എതിർക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി ചിലർ എഴുന്നേൽക്കുന്നുണ്ടെങ്കിൽ അതു നല്ലതല്ല. ഈ കാര്യത്തിൽ ഒരു സംഗതി ഗവർമ്മെൻറു നല്ലപോലെ ആലോചിക്കണം. ഇങ്ങിനെയുള്ള എതിരുകാർതന്നെ പലയിടങ്ങളിലും നടന്നു ജനങ്ങളെ കബളിപ്പിച്ചു ഈ ബില്ലിനെതിരായി ഒപ്പിടുവിച്ചിട്ടുണ്ടു്. ആ സാക്ഷികളെ സിലക്ട് കമ്മിറ്റിയിൽ വിസ്തരിച്ചപ്പോൾ ചില കുസ്രുതിക്കാർ ഈ ബില്ലിലെ ചില ഭാഗങ്ങൾ സമുദായത്തിനു വളരെ ഭയങ്കരമായ ആപത്തുണ്ടാക്കുന്നവയാണെന്നു പറഞ്ഞു മനസ്സിലാക്കിയതായിട്ടു അവർ മൊഴി കൊടുത്തിട്ടുണ്ടു്. വാസ്തവത്തിൽ അവരാരും ഇതിനെതിരല്ല.

സ്ത്രീകൾക്കു സ്വത്തവകാശം കൊടുത്താൽ ഈ നിയമം ബ്രിട്ടീഷിൽ നടപ്പില്ലാത്തതുകൊണ്ടു വലിയ കുഴപ്പം വരുമെന്നാണു പറയുന്നതു. കൊച്ചികണയന്നൂർ താലൂക്കിൽ ഈഴവർക്കു ഇപ്പോഴത്തെ ആക്ട് പാസ്സാക്കുന്നതുവരെയും ശുദ്ധമേ മരുമക്കത്തായമായിരുന്നു. കൊടുങ്ങല്ലൂരിൽ മക്കത്തായവുമായിരുന്നു. അവർതമ്മിൽ വിവാഹം കഴിക്കുന്നതിനു ഒരു തടസ്സവുമുണ്ടായിരുന്നില്ല. അതുകൊണ്ടു ഇങ്ങിനെയുള്ള എതിരുകൾ പറയുന്നതു വെറും അസംബന്ധങ്ങളാണു്. സ്വത്തു പോകുമെന്നു പറയുന്നതു വെറുതെ ഭ്രമമാണു്.

സിവിൽമാരീജു് ബില്ലിനെ കത്തോലിക്കർ എതിർത്തതുപോലെ ഒരുക്രട്ടും ഒരു നിയമത്തേയും എതിർക്കയില്ല. വളരെ ശക്തിയുള്ള കത്തോലിക്കാ ചർച്ചു് കൊച്ചി സംസ്ഥാനത്തു വലിയ ബഹളം കൂട്ടീട്ടും കൊച്ചീ ഗവമ്മെണ്ടു ക്രസ്ത്യാനികളുടെയിടയിൽ സിവിൽ മാരീജു ബിൽ നടപ്പാക്കിയില്ലേ? അന്നു് നിയമനിർമ്മാണസഭ ഉണ്ടായിരുന്നുവെങ്കിൽ ഗവർമ്മെൻറു ആ കുറുങ്ങളെല്ലാം നിയമസഭയുടെ തലയിൽ വക്കുമായിരുന്നു. അതുകൂടി ഇല്ലാത്തകാലത്തു് അങ്ങിനെയൊരു നിയമം ആവശ്യമില്ലെന്നു കത്തോലിക്കാ സമുദായത്തിലെ കാര്യവിവരമുള്ള പ്ര

LIBRARY ARCHIVES Kerala Legislative Assembly

മാണികം ഗവർമ്മെൻറിനെ ധരിപ്പിച്ചപ്പോൾ ഗവർമ്മെൻറ് ഏതാനും യഥാസ്ഥിതികന്മാരുടെ അഭിപ്രായം മാത്രമല്ലേ സ്വീകരിച്ചത്? കൂസ്ത്യാനികളിൽ ഭൂരിപക്ഷവും അന്ന് ഇതിനെ എതിർത്തിട്ടുണ്ടായിരുന്നു.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*— It was only an enabling Bill and not a compelling Bill.

മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South).*— എനേബിളിംഗ് ബില്ല് ആയിരുന്നെങ്കിലും അതിനെ എതിർത്തില്ലേ? ലാ മെമ്പർക്കുണ്ടായ ബോധോപായം അന്ന അവക്ക് വരുവാൻ പാടില്ലേ?

ഞാൻ പറയുന്നത് ഈ ബില്ലിന് പൊതുജനാഭിപ്രായം എതിരാണെങ്കിൽതന്നെയും ഇതു സമുദായത്തിന് ആവശ്യമാണെന്നുള്ളപ്പോൾ അങ്ങിനെയുള്ള നിയമം പാസാക്കേണ്ടതു ഗവർമ്മെൻറിൻെറ കടമയല്ലേ?

മിസ്റ്റർ തോമസ് മാഞ്ഞൂരാൻ *(Government Advocate and Law Officer).*— ഞാൻ ഗവർമ്മെൻറിൻെറ നിലയാണു പറയുന്നത്. Government passed that enabling Bill in spite of the opposition because they knew that the opposition was unreasonable.

മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South).*— ഇപ്പോൾ കാര്യം സാധിച്ചു. ഇനി ഇതു ജനങ്ങൾക്കു ഗുണമുള്ളതാണോ അല്ലയോ എന്നു നോക്കുവാനുള്ളൂ. ഭൂരിപക്ഷമില്ലാത്ത, വിദ്യാഭ്യാസമില്ലാത്ത, കുശ്ചന്മാരായ ചിലരുടെ എതിർ മാത്രമേ ഉണ്ടാകയുള്ളൂ. അതുകൊണ്ട് എനിക്കു ഗവർമ്മെൻറിനെ ധരിപ്പിക്കുവാനുള്ളത് ഒരു സമുദായത്തിൽനിന്നു വിദ്യാഭ്യാസമുള്ള ആളുകളും അവരോടു ചേർന്ന് ആ സമുദായത്തിലുള്ള ഭൂരിപക്ഷമാളുകളുംകൂടി അവരുടെ സമുദായത്തിനു ഈ വക കാര്യത്തിൽ പരിഷ്കാരം വരുത്തുവാൻ ഒരു നിയമനിർമ്മാണം വേണമെന്നു പറയുമ്പോൾ ഏതാനും യാഥാസ്ഥിതികന്മാരുടെ—അവർ എത്ര ശക്തന്മാരായിരുന്നുകൊള്ളട്ടെ—ചരടുവലിക്കു കീഴ്പ്പെട്ടു ഗവർമ്മെൻറ് ഈ വക കാര്യങ്ങളിൽ എതിരിടുന്നതു ഗവർമ്മെൻറിനുതന്നെ പോരായ്മയാണ്. അതുകൊണ്ടു ആ നില ഗവർമ്മെൻറ് എടുക്കരുത്. ഇതിൽ ഒരു സംഗതി ആലോചിക്കുവാനുണ്ട്. ബഹുമാനപ്പെട്ട വടക്കാഞ്ചേരി മെമ്പർ എഴുത്തച്ഛൻ സമുദായത്തിനു ദ്രോഹംചെയ്യുന്ന ഒരാളാണെന്നു പറയുവാൻ സാധ്യമില്ല. കഴിയുന്നതു ഗുണം ചെയ്യുകയല്ലാതെ ഒരിക്കലും അദ്ദേഹം സ്വന്തം സമുദായത്തിനുവേണ്ടി ദ്രോഹം ചെയ്യുകയില്ല. ബഹുമാനപ്പെട്ട ലാ മെമ്പർ പറഞ്ഞതുപോലെ അത്യുത്സാഹംകൊണ്ടു ചാടുന്ന ഒരാളല്ല അദ്ദേഹം. അദ്ദേഹം സമുദായത്തോടു സ്നേഹവും സമുദായത്തിൻെറ അഭിവൃദ്ധിക്കുവേണ്ടി ആഗ്രഹിക്കുന്ന ആളുമാ

LIBRARY ARCHIVES Kerala Legislative Assembly

ണ്ട്. അങ്ങിനെയുള്ള ഒരു മെമ്പർ സമുദായത്തിന്റെ പൊതുസേവന ത്തിനും ശ്രുപാർശക്കുശേഷം കൊണ്ടുവരുന്ന ഒരു ബില്ലാണിത്. സമു ദായത്തിലെ അനവധി മാന്യന്മാരുടെ അലട്ടുകൾക്കു ശേഷമാണ് അ ദ്ദേഹം ഇതു ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ളത്. എന്റെ ഓർമ്മ ശരി യാണെങ്കിൽ എഴുത്തച്ഛൻ സമാജങ്ങൾ പലസ്ഥലങ്ങളിലുംകൂടി പല പ്രാവശ്യവും ആവശ്യപ്പെട്ടതിന്റെ ശേഷമാണ് അദ്ദേഹം ഇതു ഈ സഭയിൽ കൊണ്ടുവന്നിട്ടുള്ളത്. ഇത്തരത്തിലെല്ലാം ധാരാളം അനുകൂ ലിക്കേണ്ട തരത്തിലിരിക്കുന്ന ഒരു ബില്ലിനെ ഗവർമ്മെൻറു എതിർക്കു ന്നു. അഥവാ ഇതിനെ എതിർത്താലും നാളെയോ മറന്നാളോ വരുന്ന ഞങ്ങളുടെ ബില്ലിനെ എതിർക്കുന്നു.

പ്രായോഗികമായി പറയുകയാണെങ്കിൽ സ്ത്രീകളുടെ രക്ഷക്കുവേ ണ്ടി മാത്രമല്ല കുടുംബത്തിന്റെ രക്ഷക്കുവേണ്ടിയും ഇതുപോലെയുള്ള ഒരു നിയമനിർമ്മാണം വേണം. ഇപ്പോൾ സ്ത്രീകൾക്കു സ്വത്തവകാ ശം ഇല്ലാത്ത സമുദായങ്ങൾകൂടി സ്ത്രീധനം നിരുത്തണമെന്നാണു വാദി ക്കുന്നതു്. ബ്രാഹ്മണരും ക്രസ്ത്യാനികളും അതിനുവേണ്ടി ധാരാളം സ ദകൾ കൂടി നിശ്ചയങ്ങൾ പാസ്സാക്കുന്നുണ്ട്.

ബഹുമാനപ്പെട്ട അഡ്വർ മെമ്പർ പറഞ്ഞതുപോലെ ഓരോ കു ടുംബത്തിൽനിന്നും ഒരു സ്ത്രീക്കു ഭാഗത്തിൽ കിട്ടേണ്ട ഓഹരിയിൽ കൂ ടുതൽ സാധ്യ സ്ത്രീധനം കൊടുത്താലേ പെൺകുട്ടികളെ വിവാഹം കഴിച്ചുകൊടുക്കുവാൻ സാധിക്കുകയുള്ളൂ. ഗവർമ്മെൻറു് അഡ്വക്കേറ്റാ യിരിക്കുന്ന ക്രസ്ത്യനെങ്കിലും ഈ കാര്യം ഗവർമ്മെൻറിനെ ധരിപ്പി ക്കാത്തതിലാണു് എനിക്കു സങ്കടം തോന്നുന്നതു്. ക്രസ്ത്യാനികൾക്കു വേണ്ടതായ പലേ സൌകര്യങ്ങളിൽ ചിലതുമാത്രമേ ഇതിൽ പറഞ്ഞിട്ടുള്ളൂ.

ഈ ബിൽ പരിപൂർണ്ണമാണെന്നും ഇതുകൊണ്ടു തൃപ്തിപ്പെടാമെ ന്നും എനിക്കു വിശ്വാസമില്ല. അതുകൊണ്ടു ഗവർമ്മെൻറു ഈ ബി ല്ലിനു് എതിരുകൊണ്ടുവരാതെ . . . .

മിസ്റ്റർ കെ. എസ്. പണിക്കർ *(Ezhuvas North)*.— പറഞ്ഞ എതിരു പിൻവലിക്കുമോ?

മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South)*.— ഇതു ഇവിടെ പാ സാക്കുകയാണെങ്കിൽ പിൻവലിച്ചാൽ മതി. ഈ ഭാഗത്തുനിന്നും പ്ര സംഗിക്കുന്നതു മുഴുവൻ ഈ ഭാഗത്തെ ഉദ്ദേശിച്ചാണു്. അതുകൊണ്ടു ഈ ഭാഗക്കാരെല്ലാം യോജിച്ചു് വളരെക്കാലമായി നമ്മോടു സഹകരി ച്ചു നമുക്കുവേണ്ടി പല സഹായങ്ങളും ചെയ്തിട്ടുള്ള ബഹുമാനപ്പെട്ട വ ടക്കാഞ്ചേരി മെമ്പറെ ഈ നിയമസഭ ന്യായമായി സഹായിക്കണമെ ന്നാണു് എനിക്കു പറയുവാനുള്ളതു്.

LIBRARY ARCHIVES Kerala Legislative Assembly

മിസ്സിസ് മീനാക്ഷി എൻ. മേനോൻ *(Nominated)*.— സർ, ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു. ഇന്നു രാവിലെ ഗവർമ്മെൻറു ഭാഗത്തുനിന്നും ചെയ്തതായ പ്രസംഗം കേട്ടതിൽ ഈ നിയമസഭാസാമാജികന്മാരിൽ ആർക്കുംതന്നെ നമ്മുടെ ഏറ്റവും പരിഷ്കൃതമായി കൊച്ചി ഗവമ്മെൻറു ഇങ്ങിനെയുള്ള ഒരു പ്രസംഗം ചെയ്യു എന്നഭിമാനിക്കുവാൻ യാതൊരു നിവൃത്തിയുമില്ല. അതോടുകൂടി ഗവർമ്മെൻറു ഭാഗത്തുനിന്ന് ഇങ്ങിനെയുള്ള ഒരു പ്രസംഗം ചെയ്തതിൽ ഗവർമ്മെൻറിനുംകൂടി അഭിമാനിക്കുവാൻ തരമില്ലെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ഈ പ്രസംഗത്തിൽ എനിക്കു വളരെ മനസ്താപമുണ്ട്. (കഷ്ടം, കഷ്ടം).

ഗവമ്മെൻറുഭാഗത്തുനിന്നും പറഞ്ഞിട്ടുള്ള വാദമുഖങ്ങൾക്ക് ഇവിടെ രണ്ടുമൂന്നു സാമാജികന്മാർ ശരിയായി മറുപടി പറഞ്ഞുകഴിഞ്ഞിട്ടുണ്ട്. ഇന്നു രാവിലെ ബഹുമാനപ്പെട്ട വൈറിലി മെമ്പർ നിയമസംബന്ധമായ ഒരു വിഷമം ഇതിലുണ്ടെന്നുള്ള വാദം ഇവിടെ കൊണ്ടുവന്നപ്പോൾ ഗവർമ്മെൻറു അഡ്വക്കേറ്റവർകൾ അതിനെ എതിർക്കാത്തതിലാണ് എനിക്കു അത്ഭുതം തോന്നുന്നതു്. അദ്ദേഹം ചെയർമാനായിരുന്ന ഒരു കമ്മിറ്റിയിൽ ഇങ്ങിനെ നിയമസംബന്ധമായ കുഴപ്പമുണ്ടെന്നു ഈ നിമിഷംവരെ പറഞ്ഞു കേൾക്കാത്ത സ്ഥിതിക്ക് അദ്ദേഹം ആ വാദത്തെ എതിർക്കാതെ പിൻതാങ്ങി സംസാരിച്ചതു കണ്ടപ്പോൾ എനിക്കു കൂടുതൽ അതിശയമാണുണ്ടായതു്. നിയമസംബന്ധമായ പരിചയം എനിക്കില്ലാത്തതുകൊണ്ടു് ഇതിൽ നിയമസംബന്ധമായ കുഴപ്പങ്ങൾ ഉണ്ടോ ഇല്ലയോ എന്നുള്ളതു നിയമജ്ഞന്മാർതന്നെ തീർച്ചയാക്കിക്കൊള്ളട്ടെ.

ഈ ബില്ലിൻെറ പ്രധാന തത്വം സ്ത്രീകൾക്കു വിവാഹസംബന്ധമായും ധനസംബന്ധമായും രക്ഷനൽകണമെന്നുള്ളതാണ്. ഈ രണ്ടു സംഗതികളിലും ആർക്കും ഭിന്നാഭിപ്രായമുണ്ടാകുമെന്ന് എനിക്കു തോന്നുന്നില്ല. വിവാഹസംബന്ധമായ കാര്യങ്ങളിൽ എഴുത്തച്ഛൻ സമുദായത്തിലെ സ്ത്രീകൾ ബഹുഭാര്യാത്വത്തിനെതിരായിട്ടാണു കമ്മിറ്റിയിൽ മൊഴികൊടുത്തിട്ടുള്ളതു്. വിശേഷിച്ചും രണ്ടു സ്ഥലങ്ങളിൽ ആ സമുദായത്തിൽപ്പെട്ട സ്ത്രീകൾ ധാരാളം വന്നിരുന്നു. അവരിൽ വിദ്യാഭ്യാസമുള്ളവരും ഇല്ലാത്തവരും ഉണ്ടായിരുന്നു. വിദ്യാഭ്യാസമില്ലാത്ത സ്ത്രീകൾ പറഞ്ഞതു്, ഞങ്ങളുടെ ഇപ്പോഴത്തെ സ്ഥിതി വളരെ കഷ്ടത്തിലാണു്, ഞങ്ങൾക്കു വിദ്യാഭ്യാസമില്ല, വീട്ടിൽനിന്നും പുറത്തിറങ്ങി പുറത്തു നടക്കുന്നു കാര്യങ്ങൾ എന്തെല്ലാമാണെന്നു് അറിയുവാൻ ഞങ്ങൾക്കു സാധിക്കുന്നില്ല, ഇപ്പോഴത്തെ സാമുദായികരീതിയനുസരിച്ചുകൊണ്ടു ഞങ്ങൾ വളരെ കഷ്ടപ്പാടനുഭവിക്കുന്നുണ്ടു്. ഇതിനിടയ്ക്കു ഇങ്ങിനെ ഒരു ബിൽ സമുദായത്തിനെതിരായിട്ടു കൊണ്ടുവരുന്നു; അതിനു് എതിരായിട്ടു നിൽക്കണമെന്നു പറഞ്ഞു് ഞങ്ങളുടെ

LIBRARY ARCHIVES Kerala Legislative Assembly

ഒപ്പു ശേഖരിക്കുവാൻ കുറെ ആളുകൾ ഉത്സാഹിച്ചു എന്നാണ്. വല്ല മെമ്മോറാണ്ടങ്ങളും ഉണ്ടെങ്കിൽതന്നെ നിർബന്ധംമൂലം ഒപ്പുവെച്ചിട്ടുള്ളതാണെന്നും, അതുകൊണ്ടു നിങ്ങളെപ്പോലെയുള്ളവർ ഞങ്ങളെ സഹായിക്കണമെന്നും അവർ പറയുകയുണ്ടായി. ഇങ്ങിനെ ആ സമുദായത്തിലെ സ്ത്രീകളെല്ലാം പറഞ്ഞിട്ടുള്ള അഭിപ്രായംകൊണ്ടുതന്നെ നമുക്കു ഈ ബില്ലിന്റെ കാര്യത്തിൽ എന്താണു ചെയ്യേണ്ടതെന്നു തീരുമാനിക്കാവുന്നതാണ്.

ആൺകുട്ടികളെപ്പോലെയുള്ള ഓഹരിയില്ലെങ്കിലും സ്ത്രീകൾക്കും അച്ഛന്റെ സ്വത്തിൽ ഒരു ഓഹരി ഉണ്ടായിരിക്കണമെന്നുള്ള കാര്യത്തിൽ യാതൊരു തർക്കവും ഉണ്ടാകുന്നതല്ല. ഈ ബില്ലിനു വിരോധമായി വന്നിട്ടുള്ള എതിരുകളൊന്നുംതന്നെ വകവെക്കാനില്ല. എഴുത്തച്ഛൻ സമുദായത്തിലെ ഭൂരിപക്ഷമാളുകളും ഈ ബിൽ വേണമെന്നുള്ള അഭിപ്രായക്കാരാണ്. അതുകൊണ്ടു ഈ നിയമസഭയിലെ അനുഭാവാഗതസാമാജികന്മാർ ഇതിനെ എതിരുക്കൂടാതെ പാസാക്കണമെന്നു ഞാൻ അപേക്ഷിക്കുന്നു. ഗവർമ്മെൻറും സന്മനസ്സോടുകൂടി ഇതിനെ അനുകൂലിക്കണമെന്നും ഞാൻ അപേക്ഷിച്ചുകൊള്ളുന്നു.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ (*Ezhuvas North*).—സർ, ഉത്തരവാദിത്വഭരണം നൽകി മറ്റു ഇൻഡ്യൻ നാട്ടു രാജ്യങ്ങൾക്കു മാതൃകയായി ഒരു മുന്നോടിയായിരിക്കുന്ന ഈ സംസ്ഥാനത്തിൽ പുരോഗമനത്തിനുവേണ്ടി ആളുകളോളമുള്ള ഒരു സമുദായത്തിന്റെ പുരോഗമനത്തിനുവേണ്ടി ആ സമുദായത്തിലെ ഒരു അംഗം ആ സമുദായത്തിലെ ജനങ്ങളുടെ ആവശ്യപ്രകാരം പലപ്രാവശ്യം തുടർച്ചയായി ചെയ്ത അപേക്ഷപ്രകാരം ഈ നിയമസഭയിൽ അവതരിപ്പിച്ച ഒരു ബില്ലിനെ ഗവർമ്മെൻറ് എതിർത്തു കാണുന്നതിൽ ഞാൻ വ്യസനിക്കുന്നു. പ്രകൃതിവിരുദ്ധമായവയെ എല്ലാഗവർമ്മെൻറുകളും എതിക്കുന്ന സ്ഥിതിക്കു നമ്മുടെ ഗവർമ്മെൻറ് പ്രകൃതിവിരുദ്ധത്തെ അനുകൂലിക്കുന്നതു് ഒട്ടും ആശാസ്യകരമല്ലെന്നു ഞാൻ ഗവർമ്മെൻറിനെ ഉൽബോധിപ്പിച്ചുകൊള്ളുന്നു. അച്ഛന്റെ സ്വത്തു മക്കൾക്കു കൊടുക്കാതിരിക്കുന്നതിനെയാണ് ഞാൻ ഇവിടെ പ്രകൃതിവിരുദ്ധമെന്നു പറഞ്ഞതു്. എഴുത്തച്ഛൻ സമുദായത്തിൽ ഒരു പുരുഷൻ മരിക്കുമ്പോൾ ആയാൾക്കു ആൺമക്കൾ ഇല്ലെങ്കിൽ അദ്ദേഹത്തിന്റെ സ്വത്തുക്കൾ എല്ലാം ആൺ മക്കളുള്ള അടുത്ത തായഴിക്കാക്കവകാശപ്പെട്ടതാതല്ലാതെ പെൺമക്കൾക്കു് യാതൊരു വിധത്തിലും അവകാശപ്പെട്ടതല്ല എന്നൊരു സമ്പ്രദായമുണ്ട്. ഇതിനെതടയുവാൻവേണ്ടി ഗവർമ്മെൻറുതന്നെ ഒരു ബിൽ അവതരിപ്പിക്കേണ്ടതായിരുന്നു. ഈ ബില്ലിനെ ഗവർമ്മെൻറിൽനിന്നും എതിത്തിട്ടുള്ളതു കാണുമ്പോൾ അനുഭാവാഗതപക്ഷത്തുനിന്നും കൊണ്ടുവരുന്ന ഏതൊന്നിനേയും എതിക്കുക, എന്നുള്ള മനോഭാവംവച്ചുകൊണ്ടല്ലേ എതിത്തിട്ടുള്ളതെന്നു ഞാൻ സംശയിക്കുന്നു. ഈ ബില്ലിനെ എതിക്കുവാനുള്ള നിയമസംബന്ധമായ ഒരു സംഗതി ബഹുമാനപ്പെട്ട ഗവർ

LIBRARY ARCHIVES Kerala Legislative Assembly

മെമ്പർ നിന്നും പറഞ്ഞിരിക്കുന്നതു് അയൽരാജ്യമായ ബ്രിട്ടീഷിൽ ഈ നിയമം ഇല്ലാത്തതുകൊണ്ടു് ഇവിടെനിന്നും അയൽരാജ്യങ്ങളിലേക്കും അയൽരാജ്യങ്ങളിൽനിന്നും കൊച്ചിയിലേക്കും സ്ത്രീകളെ കല്യാണം കഴിച്ചുകൊണ്ടു പോകുന്നുണ്ടെന്നും ഈ ബിൽ ഇവിടെ പാസ്സായാൽ ഇവിടത്തെ എഴുത്തച്ഛൻ സമുദായം നശിച്ചു തരിപ്പണമാകുമെന്നുമാണു്. കൊച്ചീരാജ്യത്തിൽ അങ്ങിനെയുള്ള നിയമ തടസ്സങ്ങളെ അടിസ്ഥാനപ്പെടുത്തിയാണോ ഓരോ ബില്ലുകൾ കൊച്ചിയിൽ പാസാക്കുന്നതു്? അല്ലെങ്കിൽ ബ്രിട്ടീഷിലോ തിരുവിതാംകൂറിലോ പാസായിട്ടുള്ള പൊതുജനക്ഷേമകരങ്ങളായ നിയമങ്ങൾ എല്ലാം ഇവിടെ പാസാക്കുന്നുണ്ടോ? തിരുവിതാംകൂറിൽ തീയ്യർക്കു് ഒരു ബിൽ പാസായി. കൊച്ചിയിൽ മുകുന്ദപുരം, തൃശ്ശൂർ, ചിറ്റൂർ, തലപ്പിള്ളി ഈ മൂന്നു താലൂക്കുകളെ സംബന്ധിക്കുന്ന ഒരു ബിൽ ഈ നിയമസഭയിൽ ഈഴവ പ്രതിനിധി കൊണ്ടുവന്നപ്പോൾ ഈ ബില്ലിന്റെ കാര്യത്തിൽ മി: എഴുത്തച്ഛനോടുള്ള വ്യക്തിവിദ്വേഷംകൊണ്ടു ഞെഞ്ഞമിഞ്ഞക്കാർ എതിർക്കുന്നതുപോലെ ആ ബിൽ കത്താവിനോടുണ്ടായിരുന്ന വ്യക്തിവിദ്വേഷം വെച്ചുകൊണ്ടു അതിനെ എതിർക്കുകയും എന്നിട്ടും നിയമസഭ പാസ്സാക്കിയ ആ ബിൽ ഗവൺമെന്റു തള്ളിക്കളയുകയും ചെയ്തു. യാതൊരു വിധത്തിലും മറ്റു സമുദായങ്ങൾക്കു ദോഷം ചെയ്യാത്തതും യാതൊരു പ്രകാരത്തിലും ഗവൺമെന്റിനെ ദ്രോഹിക്കുവാനിടയില്ലാത്തതുമായ ഒന്നാണു് എഴുത്തച്ഛൻ ബിൽ. ഇതിനെ ഗവർമ്മെന്റു പാസ്സാക്കേണ്ടതു് അത്യന്താപേക്ഷിതവുമാണു്. നിയമങ്ങൾ അടുത്ത രാജ്യങ്ങളിൽ പാസ്സാക്കുന്നുണ്ടെങ്കിൽ അതു് ഇവിടെ പാസ്സാക്കുവാൻ വിരോധമില്ലാത്തതാണെന്നാണു് ഗവർമ്മെന്റു മെമ്പറുടെ മറുപടിയിൽ നിന്നും അനുമാനിക്കേണ്ടിയിരിക്കുന്നതു്. അങ്ങിനെയാണെങ്കിൽ ബ്രിട്ടീഷിലും തിരുവിതാംകൂറിലും പാസ്സാക്കീട്ടുള്ള നമ്പൂതിരി ബില്ലിനെ അടിസ്ഥാനപ്പെടുത്തിയുള്ള ഒരു ബിൽ ഈ നിയമസഭയിൽ അവതരിപ്പിച്ചപ്പോൾ എന്തുകൊണ്ടു് ഇവിടെ പാസ്സാക്കിയില്ല? നിയമസഭ പാസ്സാക്കിയതാണെന്നിരുന്നിട്ടും ഗവർമ്മെന്റു അതിനെ തള്ളിക്കളഞ്ഞു. അതുകൊണ്ടു അയൽരാജ്യങ്ങളിൽ പാസ്സായിട്ടില്ലെന്നുള്ള കാരണം പറഞ്ഞുകൊണ്ടു് ഈ രാജ്യത്തെ പരിതസ്ഥിതിക്കനുസരിച്ചു് ഓരോ സമുദായത്തിനും ആവശ്യമായ രക്ഷകൾ ഈ നിയമസഭയിൽനിന്നും ചെയ്തുകിട്ടുവാനുള്ള ബില്ലുകൾ കൊണ്ടുവരുമ്പോൾ ഗവർമ്മെന്റു് ഇങ്ങിനെയുള്ള മുടന്തൻന്യായങ്ങൾ പറഞ്ഞു തള്ളുന്നതു് ഒരിക്കലും ഒരു പരിശുദ്ധ ഗവർമ്മെന്റിനു യോജിച്ചതല്ലെന്നു ഞാൻ ശക്തിയായി ഗവർമ്മെന്റിനെ ഉൽബോധിപ്പിച്ചുകൊള്ളുന്നു.

ജനങ്ങളുടെ ആവശ്യങ്ങളനുസരിച്ചു് നിയമങ്ങളിൽ ഭേദഗതിവരുത്തുകയാണു വേണ്ടതു്. ജനങ്ങളുടെ ആവശ്യത്തിനാണു നിയമങ്ങളെന്നും, നിയമത്തിനുവേണ്ടിയല്ല ജനങ്ങളെന്നും മനസ്സിലാക്കുവാനുള്ള ബുദ്ധി ഗവൺമെന്റിനും ഗവൺമെന്റു മെമ്പർമാർക്കും ഉണ്ടെങ്കിൽ കീഴ്

LIBRARY ARCHIVES Kerala Legislative Assembly

ക്കടെ അങ്ങിനെയാണ്; അതുകൊണ്ട് പാടില്ല എന്നുള്ളന്യായം പറയുന്നതു തീരെ അപരിഷ്കൃതവും ബാലിശവും ആണെന്നതന്നെയല്ല ഒരിക്കലും സ്വീകാര്യവുമല്ല. എഴുത്തച്ഛൻ സമുദായത്തിൽ അരഡസനിൽ കൂടുതൽ ഭാഷ്യമാരെ സ്വീകരിക്കുന്ന സമ്പ്രദായം ഉണ്ടായിരുന്നുവെന്ന് ബഹുമാനപ്പെട്ട ലാ മെമ്പർതന്നെ സമ്മതിച്ചിട്ടുണ്ട്. ഇങ്ങിനെ ഒന്നിലധികം ഭാഷ്യമാരെ വച്ചുകൊണ്ടിരിക്കുവാൻ അനുവദിക്കുന്ന എല്ലാ സമുദായങ്ങളും അതിനെ നിയന്ത്രിക്കുവാൻ ഉറപ്പുമിക്കുന്ന കാലമാണിതു്. സ്ത്രീകളെ വെറും കളിപ്പാവകളെപ്പോലെയാക്കി സൂക്ഷിക്കുന്ന സമ്പ്രദായം നീചവും പൈശാചികവുമാണെന്നുള്ളതു് അഭ്യസ്തവിദ്യർ മനസ്സിലാക്കിക്കഴിഞ്ഞിട്ടുണ്ട്. അതുകൊണ്ടാണു് ഏകപതിവ്രതം ആചരിക്കണമെന്നു പറയുന്നതു്. അതിനുള്ള നിയമങ്ങളും ഈ ബില്ലിലുണ്ട്. അതു നിയമവിരുദ്ധമായിരിക്കുംപോലും! ഈ ബില്ലിനെ വ്യക്തിവിദ്വേഷംകൊണ്ടോ യാഥാസ്ഥിതികമനോഭാവം കൊണ്ടോ ആരെങ്കിലും എതിർക്കുന്നുണ്ടെങ്കിൽ ആ എതിരിനെ വകവക്കാതെ കൊച്ചി ഗവർമ്മെൻറിന്റെ പരിഷ്കൃത മനോഭാവം പ്രദർശിപ്പിച്ചു കാണുവാൻ ആഗ്രഹിക്കുകയും ആ മനോഭാവം ഗവർമ്മെൻറിൽനിന്നും പ്രദർശിപ്പിക്കണമെന്നു് അഭ്യർത്ഥിക്കുകയും ചെയ്തുകൊണ്ടു് ഞാൻ ഈ ബില്ലിനെ ശക്തിയായി പിൻതാങ്ങുന്നു.

മിസ്റ്റർ വി. എസ്സ്. കൃഷ്ണൻവൈദ്യർ *(Nominated)*.—സർ, ഞാൻ ഈ ബില്ലിനെ എതിർക്കുന്നില്ല. ബഹുമാന്യനായ വടക്കാഞ്ചേരി മെമ്പർ അവർകളോടുള്ള സ്നേഹമല്ല ഈ ബില്ലിനെ അനുകൂലിക്കുവാൻ എന്നെ പ്രേരിപ്പിച്ചതു്. എന്നാൽ അതിനുള്ള കാരണങ്ങളും, അദ്ദേഹത്തിന്റെ സമുദായം ഇന്നും പരിഷ്കൃത ലോകത്തിൽ നിന്നു കുറച്ചു അകന്നുനില്ക്കുന്നു എന്നാണു് എനിക്കും തോന്നുന്നതു്. ബഹുമാന്യനായ അദ്ദേഹത്തിനു ഇങ്ങിനെ ഒരു ബിൽ നിയമസഭയിൽ കൊണ്ടുവന്നു അവതരിപ്പിച്ചു പാസ്സാക്കാതെ, ഒരു ബി. എ., ബി. എൽ പാസ്സായ ഏതാണ്ടു നിയമം അദ്ദേഹത്തിന്റെ ഹൃദയത്തിൽ ഉള്ളതുകൊണ്ടു അദ്ദേഹത്തിനു കഴിഞ്ഞുകൂടാമെന്നു ഈ നിസ്സാരനായ എനിക്കും തോന്നുന്നു. അദ്ദേഹത്തിനു വേണ്ടിയല്ല ഈ ബിൽ ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ളതു്. അദ്ദേഹത്തിന്റെ സമുദായത്തോടുള്ള സ്നേഹം കൊണ്ടുമാത്രമാണു്. എന്നാൽ ബഹുമാനപ്പെട്ട ഗവർമ്മെൻറു് എല്ലാ പരിഷ്കൃതരീതികളിലും പ്രശോഭിച്ചു കാണുവാൻ ഉത്സാഹിക്കുന്ന ഇക്കാലത്തു് താഴ്ന്ന നിലയിൽ കിടക്കുന്ന സമുദായത്തെ ഉദ്ധരിക്കുന്നതിനുവേണ്ടി കൊണ്ടുവന്നിട്ടുള്ള ഈ നിയമത്തെ വിരോധിക്കുന്നതു് വളരെ തെറ്റായിട്ടാണു് എനിക്കു തോന്നുന്നതു്. എന്നാൽ എനിക്കും ഈ നിയമസഭയിൽ ഇങ്ങിനെയുള്ള ഒരു ബിൽ കൊണ്ടുവന്നു പാസ്സാക്കിയാൽ കൊള്ളാമെന്നു് ഒരാഗ്രഹമുണ്ടായിരുന്നു. എന്നാൽ ബി. എ; ബി. എൽ എന്ന അക്ഷരം സ്മരിച്ചു കാണാതെ വന്നതുകൊണ്ടു് എനിക്കു വളരെ സങ്കടവും വിഷമവും ഉണ്ടു്. അതുകൊണ്ടാണു് പടന്നാബിൽ അവത

LIBRARY ARCHIVES Kerala Legislative Assembly

രിപ്പിക്കാതിരുന്നതു്. എഴുത്തച്ഛൻ സമുദായത്തിനു വേണ്ടി ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഈ ബില്ലിനെ എതിർത്തതുപോലെ ഞാൻ കൊണ്ടുവരുന്ന ബില്ലിനേയും ഘോരഘോരം യുദ്ധം ചെയ്തു എതിർക്കുമെന്നു കരുതി ഭയപ്പെട്ടിട്ടു അടങ്ങിയിരിക്കുകയാണു്. ഈ പരിഷ്കൃതലോകത്തിൽ എല്ലാ സമുദായങ്ങളുടേയും താല്പര്യവും അഭിമാനവും വളർത്തുവാൻ ഉത്സാഹിക്കുന്ന ഇക്കാലത്തു ഈവക കാര്യങ്ങളിൽ ഒട്ടുംതന്നെ പിടിക്കാതെ എഴുത്തച്ഛനോടല്ലെങ്കിലും, അദ്ദേഹത്തിന്റെ സമുദായത്തോടെങ്കിലും ഒരു കാരുണ്യം തോന്നി ഇതിനെ അനുകൂലിച്ചു പാസ്സാക്കാൻ ബഹുമാനപ്പെട്ട മെമ്പർമാരോടു് അഭ്യർത്ഥിച്ചുകൊണ്ടു് ഞാൻ ഇതിനെ പിന്താങ്ങിക്കൊള്ളുന്നു. (ഹിയർ, ഹിയർ.)

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—Sir, I do not think that any speech from me by way of reply to the debate is called for after an illuminating speech from my Hon'ble friend the member for Adur. All the points raised by the learned Government Advocate as also by the Hon'ble Member for Vyttila have been ably met by my friend the Hon'ble Member for Adur who was a member of the Select Committee. Unlike the Chairman of the Committee, the Government Advocate, he was present for all the meetings and carefully watched the evidence and tried to bring out all the points of view from each and every one of the witnesses that came before the committee to give evidence. Such an able member has marshalled all the facts in such a lucid manner before the House and so it will be preposterous on my part to venture on any further explanation. Therefore I do not propose to do it.

There is however one aspect of the opposition to the Bill that calls for a reply from me which somehow has escaped the notice of other Hon'ble Members. The first opposition speech with regard to this Bill has been made, Sir, by the Hon'ble Member for Chittur Rural. My Hon'ble friend the member for Chittur Rural who has been a colleague of mine for the last ten years has found it necessary to present at the request of a section of my community a petition to this house. I am glad that my Hon'ble friend is looking to the interests of a section of my community. I am all the more glad for the reason that the community has a friend even for the purpose of presenting a reactionary petition. I wish to say, Sir, a few words about this petition. You will be pleased to find that this petition that is presented by the member for Chittur Rural is signed by 400 people. The petition clearly states that these signatories do belong to the two taluks of the State, viz., Chittur and Talappilli. I have also myself analysed the names of the various signatories to that petition. I have been able to find from that analysis

LIBRARY ARCHIVES Kerala Legislative Assembly

that the majority, as many as 95 per cent, of the signatories belongs to the Taluk of Chittur wherefrom my Hon'ble friend comes. You will be pleased to find, Sir, from the latest census report that there are 18,563 Ezhuthassans in Cochin and they are distributed in the four taluks of the State, viz., Trichur, Talappilly, Chittur and Mukundapuram. The large majority of the community out of this 18 thousand and odd hails from the Trichur Taluk. The next place of importance so far as this community is concerned is the Talappilly Taluk, then comes Chittur and lastly comes Mukundapuram. The Mukundapuram Taluk has only a few houses and in Chittur there are barely a hundred houses. The rest of the 18 thousand has been distributed between Trichur and Talappilli and as between them Trichur takes a larger share. After very mature deliberation the committee decided to take evidence in 4 places in the Trichur Taluk which contained the largest number of my community, at three places in the Talappilli taluk, the next place of importance, at one place only in the Chittur taluk due to the fact that there are only about a hundred houses. No evidence was to be taken, because of the insignificant number of the community in the Mukundapuram taluk. A detailed questionnaire and the bill in Malayalam were published in consecutive issues of the Gazette before the sittings commenced. That is the way in which this Committee began its work. It is very significant to note that the Hon'ble the Government Advocate, the spokesman of the Government of Cochin, put at the head of the Committee, was not pleased to state to us at any one of the meetings of the Committee that this Bill has got various defects as pointed out by him now and how best these defects could be got over. Not a whisper to that effect came from him. That Hon'ble Member has shirked his duty to the Government and also shirked his duty to the community which has got every right to his assistance in the matter of having a codified law for them. What has the Government Advocate of Cochin to say for that? What has the Government Advocate of Cochin to say when in none of the four centres in the Trichur Taluk where there is a large bulk of my community he could not find it possible to attend the meetings? What is his excuse for that? I made even personal requests to him to be present at the meetings. He promised to do so but never attended any meeting other than the first three. My community has got a right to expect the Government Advocate to be present especially when he is appointed as the Chairman of the Committee to go into the question of law regarding the Ezhuthassans. I make this charge deliberately because such a thing should not be repeated with

LIBRARY ARCHIVES Kerala Legislative Assembly

regard to any other community select committee in future. The Ezhuthassans know how to take care of themselves. I know how to guard the community's interests even without the Government Advocate's help. (Hear, hear). I know how to work for their uplift and benefit and I have been working for the same for the past ever so many years. If you do not give us what we legitimately want I will work for it from within. I will make every Ezhuthassan male and female to come here and ask for a change like this. I know how to work. Don't think that this measure is due to some irresponsible enthusiasts, like me, as the Government Advocate had been pleased to say. But I would tell him that it is the work of very responsible men of the community who are enthusiasts. I am a mixture of both and I am proud to say that I am so. I will show you that. If ever I am to come to this House again I will show that in other spheres of activities also such sort of irresponsible methods as the Government Advocate is seen to have shown in the work of this Select Committee will not be tolerated by this community. The Ezhuthassan community is not accustomed to agitation. Deliberately I am checking the agitation of my community. I have organised my community. I have not utilised that organisation for bad purposes. I will not do it even for this Bill being passed. Take it from me.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—It has been stated, Sir, that this bill is the result of the irresponsible enthusiasts of the community. I never said irresponsible. I only said that it was the result of some enthusiasts. Is it a sin to be an enthusiast?

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—Certainly not. If to be an enthusiast is a sin, then certainly my friend the Government Advocate was perhaps a worse sinner than myself in that line. When he was representing the Trippunithura constituency some time ago I have heard him speaking on a motion that was brought here by Mr. C. A. Kunjunni Raja to the effect that the practice of having a Christian Judge in the Chief Court be done away with and when I heard that speech of my honourable friend I thought that even the building may come down upon our heads. It was with very great eloquence and very great enthusiasm that he made that speech. Therefore, Sir, it is not a sin to be an enthusiast. It will not be attempted to be argued that it is a sin to be a reformer either. But I will say that it is a sin to be irresponsible like the Chairman of this committee.

LIBRARY ARCHIVES Kerala Legislative Assembly

Now, Sir, I shall come to the petition to which I referred. If you will be pleased to analyse this petition you will easily see that it is full of mischievous lies—mischievous lies deliberately printed there. I say that my community has been insulted by this petition. In the petition it is stated that 90 per cent of the Ezhuthassans are illiterate. I have got facts from the last Census Report to show that this figure of 90 per cent is entirely wrong. The number of Ezhuthassan males who are literate is 8,307, and the number of females who are literate is 978. These two figures added together and a percentage struck with the total Ezhuthassans will not work at 90 per cent. We do not pretend that our community is literate to the extent it ought to be, though the name of the community is 'Ezhuthāssans'. I do admit it is illiterate, but not 90 per cent. I have been working for the last some years to increase the percentage of literacy, and my attempts are bearing fruit and I will see that it comes up to a level with the other literate communities of the State at least. Now, Sir, another allegation is that this is an attempt of certain irresponsible men. Now, Sir, I will point out one passage from the Statement of Objects and reasons attached to this Bill. To me it appears that the Government Advocate seems not to have read it. We observe there, Sir, 'The Ezhuthassans of the State are, in most respects, governed by the Mithakshara system of Hindu Law. But with the general progress of the social life of the people Mithakshara Law itself has been found defective in certain respects and wanting in certain others. Besides, as the Ethuthassans have to some extent adopted certain customs and practices contrary to the law of Mithakshara, some additional disabilities have also set in. Taking note of these, the Ezhuthassan Mahasamajam, the only representative association of the community, has repeatedly passed resolutions advocating the introduction of a Bill to alter and define certain rules of in-heritance, partition, marriage and divorce prevalent in the community". Certainly they are not irresponsible statements. The Government Advocate and the petitioners must note all these things. If they had noted these they would never have made such a statement.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I never called irresponsible enthusiasts. I was using the language in the petition. I only mentioned enthusiasts. Don't attribute other peoples sins to me. Even otherwise I am a sinner.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Then I should not. But unfortunately, Sir, he has borrowed the sin of others by borrowing their language. He was using the language used in the petition and hence he is a worse sinner.

LIBRARY ARCHIVES Kerala Legislative Assembly

The Mithakshara Law that is being followed by this community was defective and therefore certain changes were found necessary. Such changes as are thought necessary have been incorporated in the present Bill. The Bill only seeks to give to the poor women folk of this community half the share of the property that is given to a son. How much of irresponsibility is seen in this attempt, I very much like to know. Then with regard to paragraph 5 of the petition. It is stated in that paragraph that because of the want of some definite law regulating the community as many as three suits had to be filed to establish the right of a widow for maintenance and to determine the right of succession. The three cases mentioned there support my case for legislation. The want of a codified law for the community has necessitated various litigations. Three alone are mentioned. I know there are many others which are not mentioned. It is a humble attempt on the part of persons like me to correct the bad things obtaining in the community. It is an attempt on the part of those people to have a codified law governing the community. It is stated in the petition itself that the community has passed resolutions repeatedly. I have not therefore come here as an irresponsible man. I have been requested time after time to introduce a Bill by the Ezhuthassan Maha Jana Sabha. I investigated for myself by going round every Taluk and have asked many an individual whether you require a bill or not. The old people being conservative will naturally oppose any legislation as they are always for maintaining status quo. But on the other hand the younger generation have told even in the presence of these autocrats old conservatives that they do want a Bill. This shows the anxious desire of the community to have the Bill. The Ezhuthassan Samajam also has requested me time out of number to introduce a Bill and I have accordingly introduced the Bill at the insistent commands of the Samajam which has at least one member from each house. I requested the Government when I introduced the Bill for the first time that a particular gentleman belonging to the Chittur Taluk who was against this Bill may be nominated as a special member to represent the conservative view and the good Government of Mr. Herbert was pleased to allow that. Unfortunately again because of the laches of the Chairman of the Committee to which the first Bill was sent the Bill could not be put through in the Third Council. Again I made this the second attempt in this Council. I requested the Government pointing out the previous instance that this gentleman from Chittur having most conservative views be appointed as the

LIBRARY ARCHIVES Kerala Legislative Assembly

spokesman to represent the conservative section of the community although there is only a small minority. I thought it only fair to have him on the committee as before. But the Government was not pleased to sanction that. But I particularly invited him to give evidence, personally sent him the questionnaire and the Bill and on the day of evidence I went and personally invited him. He was pleased to give evidence. It was that evidence that my friend sitting before me was referring to. Though soundly he said that no Bill is necessary, when on every section of the Bill questions were put to him he was forced to say 'yes' and 'yes' to every provision of the Bill. The Government Advocate was a witness to this statement of this most conservative witness. This big reactionary of the community had to confess that divorce has to be regulated, and that even property has to be given to daughters though at the same time he said that property used to be given and hence no Bill is wanted. His plea was that there was no necessity for legislation, because the committee was carrying on without one. His only tenable objection may be this. His community belongs to a peculiar section called the "മുത്തിരണ്ടു പതിഞ്ഞ" a few houses seen in certain portions of the Chittur Taluk like Vallanghi and Nemmara. This section has no marital relations with the rest of the Ezhuthassans in the State. His own sect lives in large numbers in the adjoining British Taluk of Palghat and for marital relations his sect has to look to British Malabar where there is no Bill and so his sect is opposed to the Bill. One can perfectly understand that. And he is the leading signatory to the petition and most of the others also belonging to that section. Therefore, Sir, relying upon the evidence tendered by this gentleman and the petition manouvered by him, are the aspirations of the Ezhuthachan Community to be ruined? Is the Government of Cochin going to be a party to this suicidal policy of this old retrograde gentleman? I am sure, Sir, the Government will support me. Even my Hon'ble friend the Member for Vyttila will support me because he is a man with a heart and a communal one at it. Therefore I submit that this Bill may be passed without any dissentient voice from any section of the House.

Before I request that the question may be put I have to thank the Chairman of the Select Committee. The Chairman of the Select Committee although he did not attend most of the meetings of the Select Committee was pleased however to mention in his report one sentence and it is this:—"While no doubt there appears to exist in the Ezhuthassan Community a large volume of

LIBRARY ARCHIVES Kerala Legislative Assembly

opinion manifested mainly by the educated members thereof in favour of those provisions, the Chairman had occasion to notice that a good majority of the propertied classes in the community had serious objections to introducing any substantial departures from long-standing practice." For writing this in the report my community is thankful to the Chairman. Regarding the last lines of that section I had to add a note. The propertied classes have from the nature of things enjoyed the rights of various parties and they will have very great reluctance to part with it. We have seen this many a time on the floor of this House. I have stated that difference of opinion is something natural but that cannot stand in the way of my Bill. Before sitting down I have also to thank the Chairman of the redrafting committee who inspite of his ill-health was kind enough to sit along with us, my Hon'ble friend from Adur and myself, to clear all difficulties in the original Bill. It is curious that the Government Advocate has taken advantage of a general statement made by the Chairman in the report. The passage is this:—"I have only assisted in making the present draft represent definitely and clearly what was intended by the first draft. The provisions of the Bill especially in chapters III and IV cannot be taken to have my unqualified approval." He has helped, Sir, the community to cure the defects in the Bill. He has got the right to say what he felt upon the provisions. But do not make it an argument against the Bill. For the help that he rendered to the community, the thanks of the community and my humble self are in ample measure extended to him. I am also thankful to the various communities in this House especially to the Hon'ble Member Mr. Krishnan Vaidyar for the support they have extended to this measure. Look at the way in which the Hon'ble Vaidyar has appealed to the Government. Of the various Hindu communities in the State the Ezhuthassan community comes as the fifth in numerical strength. All the four others have got codified laws to govern them. Mine is the fifth that asks for a codified law to govern them. I am sure the various communities in this House and the Government will give it to my community. I therefore appeal to this House to wholeheartedly support this measure and to excuse me for making this long speech.

Motion was put and carried.

Clauses 2 to 17 were put and carried.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—What is the meaning of clause 18?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— 'He' in that clause means son.

Deputy President.—I think there is some difficulty in that section. The difficulty is this. Suppose there is a partition in a family where there are two brothers and suppose one brother demands partition after the death of the father. In that case will the daughter of the deceased father get partition and can she bring a suit for it? There are several difficulties so far as that chapter is concerned. Then there is another difficulty. Suppose there are two brothers. One brother dies. In that case suppose he had daughters who are married and are alive. Can they demand partition? If no partition can be demanded by them then why should partition be allowed when that member is alive? Since it is a stronger case why should they be given a share when there are no sons than when there are sons?

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— If the Government want any amendment they may bring it. As far as I am concerned, it is very clear.

Mr. P. Govinda Menon *(Adur).*—The Bill may be taken up and passed, clause by clause. If there is any difficulty we shall consider over that and move the necessary amendments at the final reading of the Bill, with the leave of the President.

Clauses 18 to 22 were put and carried.

Title and Preamble were put and carried.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— I pray that the Bill may be taken up tomorrow and finally passed.

Deputy President.—In view of the difficulties relating to certain sections, it will be better to postpone the final passing of the Bill for the Meenam Session.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— If there is a Meenom Session, I have no objection. Any difficulty which the Government feels, they can remove by means of amendments.

Mr. K. P. Kannan Nayar *(Secretary to Government).*— There will be a Meenom Session.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— Then I have no objection to postpone the third reading till that.

LIBRARY ARCHIVES Kerala Legislative Assembly

APPENDIX.

THE COCHIN EZHUTHASSAN BILL AS REVISED BY THE DRAFTING COMMITTEE.

Whereas it is expedient to amend, define and regulate in certain respects the law of inheritance, partition, marriage and divorce applicable to Ezhuthassans in the State following the Makkathayam system of inheritance; it is hereby enacted as follows:—

Preamble.

1. (1) This Act may be called the Cochin Ezhuthassan Act, of 1113.

Short title, and application.

(2) It shall apply to all Ezhuthassans domiciled in Cochin and to such Ezhuthassans not so domiciled as have or shall have marital relations with Ezhuthassans domiciled in Cochin.

(3) It shall come into force at once.

CHAPTER II.

MARRIAGE.

2. Subject to the restrictions of consanguinity and affinity recognised by the community the marriage between an Ezhuthassan male and an Ezhuthassan female who have attained majority effected by a deed signed by the parties to the marriage and registered before a Registrar of marriages appointed under the Civil Marriage Act of Cochin, XXI of 1110, as well as marriages according to custom shall be deemed to be valid marriages.

Valid marriages of Ezhuthassans

3. After the date of this Act no marriage shall be solemnised of a girl who has not attained fourteen years or of a male who has not attained eighteen years of age. Any person who conducts, aids or actively participates in such a marriage shall be liable on conviction before a Magistrate of the First Class to simple imprisonment for a term which may extend to six months and shall also be liable to fine. Such a marriage shall however be valid for all legal purposes.

Prohibition of marriages of females under 14 and males under 18.

4. The marriage of an Ezhuthassan male or an Ezhuthassan female during the continuance of a prior marriage and performed after the coming into force of this Act shall be void.

Subsequent marriage of an Ezhuthassan during the continuance of a prior marriage void.

LIBRARY ARCHIVES Kerala Legislative Assembly

Dissolution of marriage.

5. A marriage is dissolved by the death of either party or by either party renouncing Hinduism. It may also be dissolved in one of the following ways and those only, that is to say—

(a) by mutual consent evidenced by a registered document,

(b) by a formal order of dissolution as hereinafter provided.

Petition for dissolution of marriage.

6. A husband or wife (but not the next friend of a minor wife) may present a petition for dissolution of marriage in the principal civil court of original jurisdiction within the local limits of whose jurisdiction the marriage was performed or the respondent resides or carries on business or personally works for gain; and, where the petitioner is the husband, he shall be liable to pay reasonable compensation to the respondent.

Compensation payable by husband renouncing Hinduism.

7. Where a marriage is dissolved on account of the husband renouncing Hinduism he shall be liable to pay reasonable compensation to his wife. Within one year from the date on which she has knowledge of such dissolution she may present a petition claiming such compensation in the principal Civil Court of original jurisdiction within the local limits of which she or the respondent resides.

Service of petitions.

8. A copy of the petition under section 6 or 7 shall be served by the court on the respondent at the expense of the petitioner and in the manner provided for the service of a summons on a defendant in the Cochin Code of Civil Procedure.

Reasonable compensation how determined.

9. What is reasonable compensation to be awarded under sections 6 and 7 shall, in case of dispute, be determined by the court after an inquiry into the position and means of the parties but without reference to the grounds of the proposed dissolution; and it shall in no case exceed Rs. 3,000.

Dissolution when to take effect.

10. Six months after the service of the copy as aforesaid, if the petition is not withdrawn in the mean-time, the court shall declare in writing the marriage dissolved and then proceed to determine and award the amount of compensation. The dissolution shall take effect from the date of the order declaring it in the case of a petition under section 6 and the date of renouncing Hinduism in the case of a petition under section 7.

Decree awarding compensation executable and appealable.

11. The order awarding compensation shall be tantamount to a decree and shall be executable as such and shall subject to the payment of court fee on the amount in dispute be appealable under the Cochin Code of Civil Procedure.

———

LIBRARY ARCHIVES Kerala Legislative Assembly

CHAPTER III.

PROPERTY AND SUCCESSION TO SELF-ACQUIRED PROPERTY.

Application of Mithakshara Law to Ezhuthassans.

12. Subject to the modifications hereinafter mentioned the same rules of Mithakshara Law as are applicable to Tamil Brahmins resident within the State shall apply to Ezhuthassans in respect of property, inheritance, succession and survivorship.

Widow's share of the property of a deceased Ezhuthassan.

13. (a) The widow shall be entitled to a share equal to that of a son and a daughter to a share equal to one half of that of a son in the self-acquired property of a deceased Ezhuthassan.

(b) Where there is no son or lineal descendant of a son half of such property shall belong to the widow in absolute ownership. The other half shall go to the daughters and in the absence of daughters or any of their legal descendants to undivided brothers and sisters equally in absolute ownership. In the absence of any such persons, the whole of such property shall belong to the widow in absolute ownership.

(c) The share which a pre-deceased son or pre-deceased daughter would have taken will devolve upon his or her heirs.

Share of husband and wife.

14. The husband shall have a right in his deceased wife's property to the same extent as the wife has a right in the self-acquired property of her deceased husband.

Inheritance in the absence of a widow.

15. In the absence of the widow, the self-acquired property of an Ezhuthassan shall be inherited by the sons and their descendants, and the daughters and their descendants the females and their descendants always taking only one half of the shares of the males of the same degree of relationship.

Absolute right of a female over her property.

16. Any property inherited or otherwise acquired by a female shall belong to her absolutely with complete right of alienation and disposal. On the death of a female such property shall be inherited in the same way as if she were a male.

Inheritance of property by the descendants of a deceased Ezhuthassan.

17. The property inherited by the descendants of a deceased Ezhuthassan shall be divided per stirpes equally between them.

LIBRARY ARCHIVES Kerala Legislative Assembly

CHAPTER IV.

PARTITION OF ANCESTRAL PROPERTY.

Claim of a daughter in the event of partition of ancestral property.

18. Where a partition takes place of the ancestral property of an Ezhuthassan during his life time, any of his daughters then alive shall be entitled to claim and shall be given a share equal to one half of the share to which he is entitled. If she claims such a share, she shall be bound to bring into hotchpot any sum of money or any property which she has received as Stridhanam under or evidenced by a registered document.

Ezhuthassan female not to claim partition of ancestral property during her father's life-time.

19. No Ezhuthassan female shall be entitled *suo moto* to claim a partition of the ancestral property of her father or institute a suit for partition of such property during his life-time.

Daughter's right to partition of ancestral property on the death of an Ezhuthassan.

20. On the death of an Ezhuthassan his daughters then alive shall be entitled to claim and compel a partition of his ancestral property and shall each be entitled to a share equal to one half of that of a son. Where a daughter claims to be given such a share, she shall bring into hotchpot any money or property which she has received as Stridhanam under or evidenced by a registered document.

Daughter's share under section 20 valid only during her life-time.

21. The right conferred by section 20 shall be only a personal right of an Ezhuthassan's daughter which if not claimed by her during her life and after her father's death cannot be enforced by any of her heirs.

CHAPTER V.

SUPPLEMENTARY PROVISION.

Application of Mithakshara Law for all matters not specifically provided for in this Act.

22. In all matters for which this Act does not provide the rules of Mithakshara Law as applicable to Tamil Brahmins of the State will remain applicable.

(True copy)

B. V. KRISHNANKUTTY MENON,

Secretary to the Council.

LIBRARY ARCHIVES Kerala Legislative Assembly